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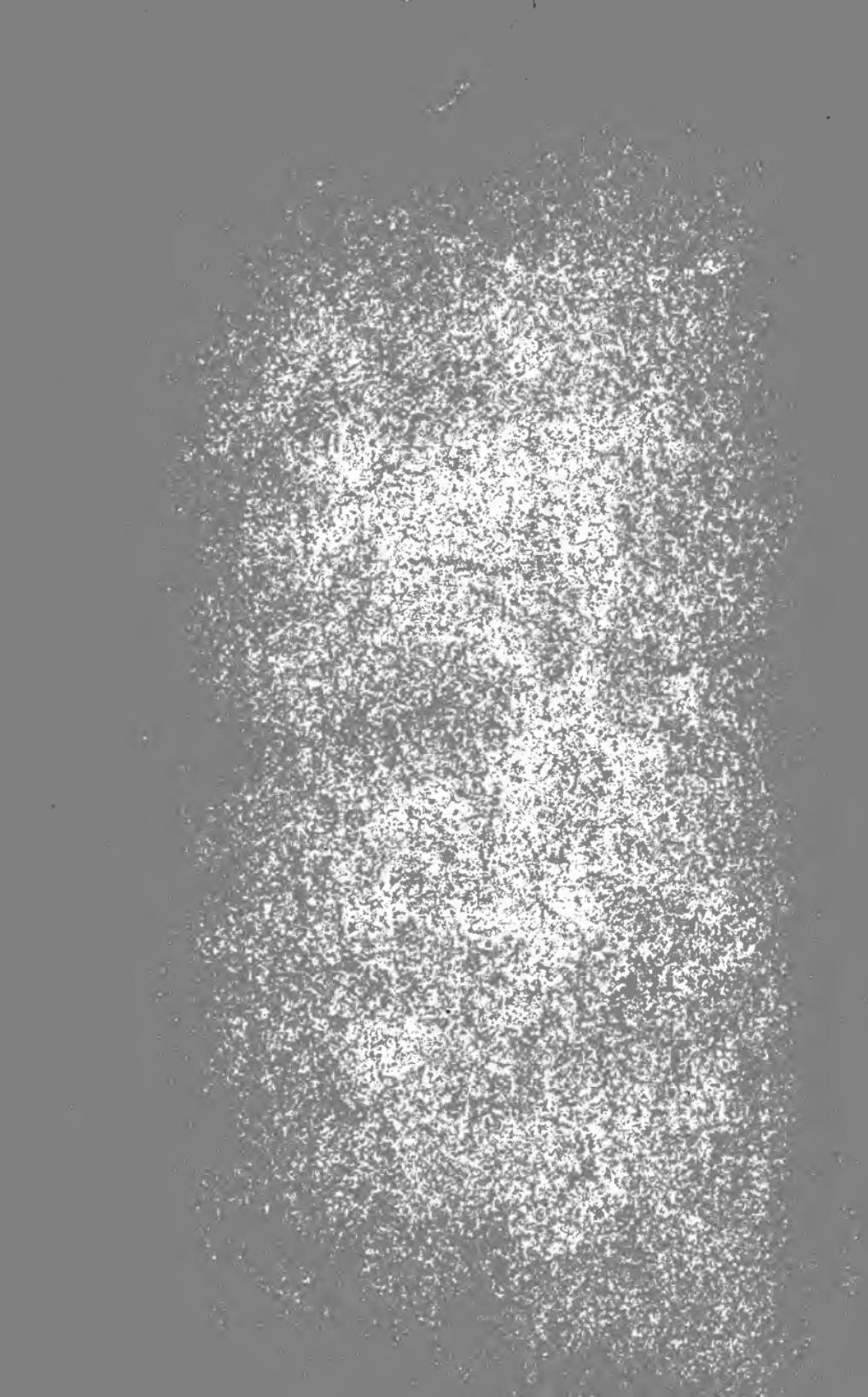
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— THE —

# Anarchist Constitution

BY

D. I. STURBER, ANARCHIST

SAN FRANCISCO

*Know what you denounce and denounce, if at all, intelligently.*

PRICE 50 CENTS

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*D. I. Sturber*

It is safe to say that governments have committed far more crimes than they have prevented.—Robert Ingersoll.

Equity, thus depending, essentially, upon the particular circumstances of each individual case, there can be no established rules and fixed precepts of equity laid down, *without destroying its very essence.* \* \* \* And, on the other hand, the liberty of considering all cases in an equitable light must not be indulged too far LEST THEREBY WE DESTROY ALL LAW. \* \* And law without equity, though hard and disagreeable (you bet it is) IS MUCH MORE DESIRABLE for the public good (he meant by the public good the welfare of the lawyers) than equity without law.—Blackstone's Commentaries on the Laws of England, \*62, Book I, Page 42.

And thus, by this strict construction of the courts of law, a statute made upon GREAT DELIBERATION, and introduced in the MOST SOLEMN MANNER, has had little other effect than to make a slight ALTERATION in the FORMAL WORDS of a conveyance.—Blackstone's Commentaries on the Laws of England, \*336, Book II, Page 271.

Heredity is the idea of a man being some one else in a previous existence and then using it to be himself later.—Dinkelpiel's Review.

Was any political party ever held accountable for a political murder such as the murder of Governor Goebel of Kentucky, by the conspiracy of Republican politicians, or any religion held accountable for a religious murder such as the murder of President Garfield by a Christian enthusiast (or fanatic, if you please) ?

Why, then, should anarchists be held accountable for the first murder by an anarchist in the United States? Was not McKinley's assassination the first one by an anarchist in the United States?

# THE ANARCHIST CONSTITUTION.

## CHAPTER I.

### SOME INTERESTING PANTS.

Somewhere within the realms of the United States there roams a man of great prominence and distinction who is the most slippery and hard-to-find man in all Christendom and yet he has two distinct peculiarities either one of which would single him out of a million of his fellows to any casual observer.

He was the only son of his father, who was the only son of his grandfather, and who in turn was the only son of his great grandfather, and so on this distinguishing characteristic of ancestry goes clear back to the time whereof the memory of man runneth not to the contrary, and perhaps for countless ages farther back.

But the two most striking peculiarities of this mysterious individual are his name and his pants.

First, his name, although a more commonplace name was never applied to any human being on the face of the earth, is all his own, for in all the world there is not another man known by the same name (and he never travels under an alias) and his father, father's father, father's father's father, and all his male ancestors in the direct paternal line have successively been known by the same name since before the beginning of recorded history, in all probability, and none of his ancestors ever had more or less than one child who invariably was known in his turn by the same name—given name as well as surname.

This name is John Doe.\*

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\*All the law books as far back as there is any law or records in the English language refer to John Doe, which is, and always has been, the mythical or fictitious name used to fill in where a name might be required and no person known whose name could or should be used—perhaps the most ancient fiction known in law. Where two names are required John Doe and Richard Roe are the ones used.

But still more remarkable than the name is the pair of pants with which this unique personage adorns his lower extremities for, be it known, this pair of pants has been handed down, like the name, from father to son and to son's son, grand-son and great grand-son, in precisely the same manner as the name for countless ages and **ALWAYS WORN BY EACH SUCCEEDING JOHN DOE** in his day and generation.

There was only one great difference between this name and the pair of pants, for pants wear out while a name may, and does, wear on and on forever (like corporations) without the slightest depreciation of vitality.

But every John Doe in his turn has been equal to the occasion. He simply patched the pants. And, while this caused him some slight inconvenience and expenditure of energy, he never could see any occasion for getting a new pair of pants.

Thousands of ages ago the original pair of pants had entirely ceased to exist—not a shred of the original pair still in the pants—and nothing but patches in various stages of usefulness, and uselessness, or even of positive annoyance, remained to do service in lieu of pants.

It could not be said that the present John, or any of his progenitors, was lazy. Far from it, for he, like all his ancestors, gets up every morning before the sun and prepares his own food (it can hardly be dignified by the name of breakfast), cleans the scanty cooking and eating utensils himself, mends his clothes, cultivates a little soil that he may be able to gather the nourishment his body requires and prepares his own food (he calls it dinner, being somewhat addicted to flattery), and eats, scantily. Then he makes such repairs as his humble habitation requires, starts to the spring for a drink, and—that d—— wolf again.

There are wolves, it is said, where the Does have lived, each in his turn, for so many generations; and they invariably carry off whatever has been “spared” from the “din-

ner" to "SAVE" for the "supper." John invariably chases the wolf about a mile till hungry and exhausted but as invariably forgets to lay for the wolf the next time. He doesn't much like fighting wolves anyhow, but ventures to chase them when they get a good start.

After the chase which, it hardly need be said, is always a vain one, John labors harder than ever to get something ready to eat, upon which he bestows the pretentious title of supper.

After cleaning up the remains of his simple meal he spends long hours in drawing up the plans of the next patch to his pair of pants—and prays! Whom he prays to not even tradition gives any very clear or definite suggestion, but the most generally prevailing idea is that the present John prays to the clouds, and it is believed that his father did likewise; although it is known that his ancestors each in his turn, prayed to almost every conceivable thing—stars, trees, sun, moon, and everything else.

It is known that John, as well as his ancestors, has at times roamed about and mingled with his fellow men—probably when seeking a wife by whom to have an heir that he might bequeath his name and pair of pants.

The present John's great grandfather got a tartar of a wife—so the great grandfather thought. She stormed and raved at that pair of pants; and particularly at the seat thereof, which was at that time most especially in urgent need of repairs. But John was not to be shaken from the traditions of his forefathers. He wouldn't get a new pair of pants; whether from a disinclination to such extravagance or for fear he would not look natural in a new pair, tradition does not inform us.

But at any rate his wife was insistent and forced him to a compromise. He agreed to put in an extra large patch of the very best wearing material that could be made.\* And such an improvement was this patch considered by

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\*The United States Constitution, 1789.

him to be to the ancient pair of pants that it is the pride of the present John to this day. In fact, our John of to-day even claims that that patch, having had a numerous quantity of patches\*\* to the patch, is still good for another generation or two, though in truth it is said scarcely a shred of that patch remains.\*

It has frequently been suggested to John in a delicate and diplomatic way that he co-operate with other men † and devote all his labors to making some one thing exclusively and exchange it for an equal amount of the labor\*\*\* of others in the shape of other things he needs to support himself, his wife, and his little baby John; but all the Johns in their turn have had their own ideas about making what they want according to their own sweet will and our John of today, like his father before him, is a little eccentric on this tomfoolery about "co-opratun." He says let other people make what they want and mind their own business and he'll do the same.

People generally are too courteous (or fearful) to ever wound his tender sensibilities about those pants and all who pride themselves on their dignity and refinement carefully refrain from alluding to them. It has happened—though rarely—that some man more vigorous than elegant has said to him: "For God's sake throw away those \_\_\_\_\_ pants and get a new pair." But this has always been the finish of the man who had the audacity to insult John Doe for he is the hardest scrapper, as well as the most eccentric man, in all Christendom and who will tackle a known scrapper that's always been invincible?

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\*\*The constitutional amendments and an infinite number of laws and decisions.

\*"We, the people of the United States, in order to \* \* \* establish justice."—Preamble to the United States Constitution. Is there any justice in the United States for the poor man?

† Socialism is urged to some slight extent throughout the United States.

\*\*\*Exchange of labor products in one form for an equal amount of labor product in another form means exchange without profit.

## CHAPTER II.

### THE SOCIAL COMPACT.

Society has existed, in some form or other, since the first breath of the second living being on earth; assuming that the living beings on earth, or at least two of them, were within hailing distance of one another.

The form of society, like the form of all matter, undergoes constant and perpetual change. Sometimes this change in form is very rapid, as it is in burning wood or gunpowder; sometimes it is very slow, as it is in stones buried in the earth. But there is a constant and perpetual change in the form of matter and no change in its amount. So, too, with society there is a constant and perpetual change in its form and no change in its number, so far as this earth is concerned, since the first co-existence of two living beings. And as long as two living beings still exist in communication with one another there can be but one society, or social family.

It is not the *existence* of living beings which constitute society but their *relation* to one another.

Imagine but two living beings on earth and within communicating distance with one another and imagine them to, either expressly or tacitly, agree not to fly at each other's throats for the purpose of robbery or murder and such agreement or compact, which is the embodiment of the relation one to another, constitutes society.

In this stage of society manifestly no *express* agreement is called for, for their mutual protection, because neither one will want to rob or murder the other. Each recognizes the fact that the co-operation of the other is desirable and could not be had by imposing upon one another, and thereby engendering enmity between them. Each uses the product of the other and each recognizes the

right of the other to such use. Neither would see the other starve, or even suffer, from want through misfortune or inability to produce one-half the total necessary for both. Society is normal. The social compact is new. It has not worn out because the change in the form of society has not yet been appreciable since the first agreement (tacit though it be) or social compact.

But the population increases. With every new mouth comes a new pair of hands, as we have often been reminded. But some few among the many, when population becomes great, not only do not produce their share, when able, but consume more than their share.

The social compact begins to wear—slightly.

The social compact, before only a tacit agreement, is now changed to an *express* agreement for each able person to produce his share and as much more as may be necessary to provide for those not able to produce their share.

Population increases more. The few not only do not produce their share and consume more than their share, but some cease to make any effort to produce at all and waste frightfully. The social compact has worn a hole in itself. It needs a little patch.

Anybody can patch—in a way—but it requires a tailor to make a pair of pants.

Society patches the social compact. It says, hereafter each able person shall produce his share for *himself* and a *percentage* in addition for those who are not able persons.

The many comply with the spirit of the amended social compact. The few say they will do that for which they are best adapted. They will distribute the percentage!

The percentage becomes enormous and the work of distributing it is too great for the few—at least they say so. They must have others to do the work for them. They will superintend these others and draw plans for new patches. They will modify and remedy the defects in the social compact. They will legislate! And they will determine for the many what percentage of the wealth pro-

duced by the many shall go to the few for distribution to non-producers, who shall be recognized as non-producers, and how much each shall have.

Society is now changing in form rapidly. The social compact is wearing thin in many places and will soon need many patches.

Women and children, who, before, owing to their physical constitution, were not expected to produce for themselves but looked upon as non-producers entitled to their full share, are slowly but steadily divided into two classes. The wives and children of the few are retained in the class of non-producers and given the bulk of the percentage. The wives and children of the many are given—well, let the many care for the many.

Society needs another patch.

Society needs judges, versed in the niceties of what women and what children should be deemed the wives and children of the few and which ones should have the lion's share, for the many are not competent to determine such difficult problems.

The few will select the judges to decide these questions for *them* and must have more percentage (now called taxes) with which to provide for the judges.

The many, because they can't understand the sound, substantial reasons why the judges should, in their profound wisdom, decide all questions of right in favor of the few are dissatisfied and threatening.

Society needs another patch.

The many are liable to kill themselves and need soldiers to prevent them from killing *each other* and, incidentally, to kill such part of the many as do not accept the decisions of the judges as right.

But even the judges, in their infinite wisdom, having various degrees of relations and friendships, can not always draw the line between who should be of the few and who of the many; nor even among the few, can they agree on which ones should have the most.

Society needs another patch.

If the judges and the few fight among themselves the many will soon finish the few. If the soldiers are to enforce the decisions of the judges, the decisions must not be conflicting or the soldiers would be divided as to which decisions to enforce and would only kill each other. The many could not be enslaved.

The judges must select an arbitrator for conflicting decisions whose decisions shall be over and above all others. His decisions shall be final. The soldiers must obey *him* and enforce *his* decisions—execute his commands.

He is king.

There is no longer any doubt who shall have the lion's share of the percentage. He decides it shall all go to a king for proper distribution (presumably among the people).

He directs the distribution of the taxes and determines the amount of them. He also determines how they shall be collected and "decides" that the king is the head of the social family.

As such he determines what amount of land, and which, shall be allotted to each member of the social family and "directs" them all.

To make his work easier he teaches them morality.

There is no doubt he is well qualified for this as the biggest thief and greatest rascal, who knows by experience what immorality can produce, is naturally the best judge of what constitutes such immorality.

And he is the most interested in preventing any competition in immorality, as he has the greatest snap at stake which might be lost thereby. He is, therefore, greatly interested in preventing any such immorality in others as he is, himself, guilty of.

But an interested teaching of the moral law (assuming that there lived a man so dense that he did not understand the moral law without the aid of a teacher) is a corrupted one and some began to question the crooked inter-

pretation of the moral law when interpreted by those known to be interested in such crooked interpretation.

As long as these were few not many patches to the social compact were necessary and a few soldiers could attend to those who ventured independent (and correct) interpretations of their own.

Soldiers were an expensive luxury and demanded for themselves a considerable part of the percentage—taxes—for supporting and enforcing the crooked interpretations of the moral law.

But as these crooked interpretations of the moral law—at first called the moral law—became more numerous, so did those who ventured independent interpretations—or opinions—of their own; and too many soldiers were required to attend to them.

Something must be done.

Society needs another patch.

Already the soldiers are insufficient. The king has been assassinated by one of the common horde merely because the last crooked interpretations of the moral law—now called the law—by the king resulted in the starvation of the assassin's wife when about to give birth to her first born. And the judge just selected to take the place of the former king is afraid to make such an interpretation—no longer called the moral law—as will be necessary in order to enable him to hold his job for fear it might naturally result in the starvation of others and his own subsequent assassination.

Certainly the social compact is urgently in need of patches.

Either the new king must go to work and do some hard thinking or get to work and earn his daily bread. The latter would not be compatible with his dignity and the former is the least objectionable of the two evils, one of which has been made unpleasantly necessary by the horde of the many, some of whose wives and daughters have

already been compelled to rent their bodies to the soldiers and king's favorites for food!

Driven to this unpleasant necessity for hard thinking, a happy thought occurs to the king in his dilemma.

Hold off on those crooked interpretations of the moral law—the law—as much as possible for a little while and teach them that the king is "*divine*" and can do no wrong.

But what do the people know about divinity? They have never as yet heard of any such thing. They must be taught, and an idea of the divine must be manufactured for them.

A great idea worthy of a noble soul! For henceforth people must have souls. Otherwise it would not be possible to divert their attention from the fact that they are being robbed of material things for the benefit of the body.

But the many may not swallow that idea about a soul. It's new to them. Their fathers never heard of it.

Twenty years or more is a long time to hold off on those crooked interpretations but what can't be avoided must be borne.

All the interpretations except those the people are accustomed to must be deferred until a new generation springs up familiar with the king's new idea about a soul.

The soldiers are given a snap more to their liking—that is those who can "believe" all the king tells them about souls.

They are sent out to tell the credulous, especially the women and children, about Richard Roe. This Richard Roe, afterwards more familiarly known as Roe, was represented to be something great. He had wonderful powers, among which the principal one was a demonstrated ability to make something out of nothing as a raw material. It was a secret process and the process was not for sale. He it was who made the tiny stars, the burning sun and the silvery moon and threw them all up so high in the air that they never came down again. There were

various other things he could do which other people couldn't. He could make his old body young again as often as he pleased and live on forever, which of course he did—for himself. The king had urgently requested him to do the same thing for all his social family, but Roe didn't see it that way. That is, he could if he wanted to but really didn't care to. He agreed to a compromise, however. He would manufacture a soul out of nothing for all who desired it (one for each person) and sell them all at just the cost of raw material—nothing. He would also give with each soul a written guarantee to keep it alive and in good health free of cost as long as he, himself, should live; which was pretty sure to be forever. But there were strings attached to the good health part of the guarantee. True there were no strings to the guarantee as to the workmanship and material, nor even to the eternal staying qualities of these souls, but the guarantee to keep in repair was conditional upon following directions:

Everybody took a soul on Richard, as the king thought they would.

There was only one fault to find—a mere trifle considering they got the souls for nothing—and that was that the directions were not very explicit. However, the king understood them thoroughly and explained them in great detail to those of the soldiers before mentioned. And—noble king—he would permit *his* soldiers (that is those of them before mentioned) to go out among the people and dedicate their lives to explaining to the people how to follow the directions.

These soldiers had to be distinguished from the others and were called divines because they explained to the people how to follow Roe's divine directions. Of course a man who could make such perfect souls out of nothing and give them away was, beyond question, divine; as were also the directions themselves and everything coming from Roe—sometimes called Goe by little tots just learning to talk.

Roe himself (sometimes also called Goed by children who had a cold) kept himself carefully out of sight to avoid interviews in regard to his wonderful secret process. He delegated the king, however, to represent him in making explanations of those soul directions; and, of course, conferred upon the king and his assistant explainers of the soul directions the divinity necessary to speak with authority in making those directions plain to the people.

This was a great patch.

It enabled the king, through his "divines," to explain to the people that the soul directions from Roe (sometimes called, as previously explained, Goed or God) required that the people should be obedient to their masters or Goed would not keep their souls in good health or repairs.

Of course the king, being divine, was the highest master short of Goed himself. And the king had a quiet tip that Goed would never interfere with him in the master business.

He could now make such interpretations (still called the law) as he desired because if any one (even to himself) entertained any doubt about divine interpretations Goed would do nothing for his soul when it should get the fever. An everlasting high fever isn't very pleasant to contemplate and people were now willing to submit to the interpretations which merely robbed them of the material things, for the welfare of the body only, as long as the guarantee to keep the soul in good health and repairs was not repudiated. And, according to the divines, no man could tell whether his soul had the fever or not until after he no longer had use for any material things for the body. Still it was generally presumed, and even asserted by the divines, that fever was spontaneous in every soul and would break out of its own accord as soon as the guarantee was forfeited.

Now and then some judge would get the idea that the king had no right to a monopoly of divinity and would take a few of the king's divines who were well versed in

the intricacies of soul directions, with as many other people as he could induce to go along, and go so far away that they were beyond reach of their former king.

Of course they all took their souls along with them.

The divines, well known for their constancy and devotion to the laborious work of explaining soul directions, devoted all their working hours—never eight hours a day—to explaining those soul directions.

The judge had a quiet tip of his own from Goed before he left that if these people who went away wanted their souls kept in repairs they would have to make the judge king, in which case Goed would deal with the people through him.

The judge was accordingly made king, with full divinity, of the new branch of the social family.

The old social compact was, of course, taken right along and the judge (now king) did a little patching on his own account. He had a son that must be provided for and decided that, as there were no judges to select a new king in case of his own death, his son should succeed him as king and he had his divines give formal notice to the people that it was a new addition by Goed to the soul directions that they recognize the son, upon the death of the father, as king by virtue of the divine directions.

Many new branches of the social family were started in like manner in all directions but in every case the same old social compact, with many and various patches, was recognized by all the various branches of the social family, though not recognizing the same executive power for the execution of it, and Goed's soul directions in some form or other amply explained in a continuous performance by both day and night shifts in every branch on the face of the earth.

And so it has continued down to the present day. The original social compact has never been declared off and it is still in force throughout the United States at this mo-

ment; though no man knows, and no man can know, what its terms are.

Anarchists simply want that old original social compact wiped out and something better substituted in its place.

Ask any lawyer if he *knows the law*. "Well, (ahem) no, (er-a) I can't re-a-llly say (ahem) that anybody actu-ally knows (er-a-ahem) ALL the law." And you wonder what the devil the man is trying to conceal. For if there is any one thing, more than all other things, that a lawyer is *well* trained to conceal it is his supreme contempt for the law, for if lawyers did not take it seriously, who would? As well might a preacher not pretend to take the bible seriously.

A certain lawyer, whose name I do not remember, was especially disgusted with the absurd (and consequently unjust) decision of the judge against him; whereupon he began to slam his books around and mutter grumblingly to himself. "Mr. Doe," said the judge, with most im-posing dignity, "are you trying to show your contempt for this court?" "No, your honor," replied the lawyer, "I'm trying my *damndest* to *conceal* my contempt for the law and this court."

## CHAPTER III.

### ANARCHY. WHAT IS IT?

First of all it isn't. That is, it does not exist, and never has existed, except in the advocation of it, since the beginning of recorded history.

All of those people who, through ignorance or prejudice, are opposed to anarchy define it very glibly as a state of chaos, disorder and confusion; which seems to be a first class definition of the present state of affairs.

Some define it as want of government or a state of society without law which permits people to do as they please with impunity, meaning to do *wrong* as *much* as they please. If any anarchist could be found on the face of the earth who stood for such anarchy he would be quite well satisfied with the present condition of society for the people are permitted do *wrong* now to quite a sufficient extent to satisfy the most vicious and degenerated.

One dictionary defines an anarchist as "one who excites revolt or promotes disorder in a state."

According to this definition George Washington, John Adams, Thomas Jefferson, Patrick Henry, Benjamin Franklin and Thomas Paine were the most pronounced half-dozen anarchists the western world ever produced and they were, in fact, to a great extent, as we shall presently see by going a little deeper into a study of the meaning of the word, though they were not out and out anarchists.

Almost without exception the definitions given of the word mean something very different from what anarchists stand for and it must manifestly be absurd to give to the word a meaning which is what anarchists, who stand for anarchy, are opposed to.

And, as the definitions obtainable do not give us any correct information, it will be well to consider the original significance and etymology of the word as well as we can without quoting Greek; from which language the word is derived.

The Greek word from which we get the word "anarchy" is one that has given the basis of many other English words as well: but the most common of them all is the word "archives."

"Arch" is what is termed in etymology the root, or that unchangeable part of the word which is slightly modified by prefix, affix, or both, to modify the meaning; and carries with it the idea of the past or antiquity; and frequently, though not as used in the word "anarchy," the idea of precedence. Thus we get the word "archives" for the records of the past. And, though properly speaking, archives would include all kinds of records of the past, yet in England, as well as in other European countries, the court records and such statutes as were enacted (which were almost infinite in number) practically constituted the archives of those countries.

And these archives were incessantly cited as authority for doing whatever was shady and required justification.

The bulk of the people concerned themselves but little with the regulation of society, whether from lack of education or otherwise is immaterial.

Those who governed (or misgoverned) were few and those who strongly opposed the manner of government were almost as few.

The many were, like sheep, easily led not only by those whose arguments most swayed them, but by those, as well, who were most able to make a showing. Arguments though, of course, had their weight.

As before stated, when the actions of those who governed (or misgoverned) were particularly atrocious they merely pointed to the archives and showed that such was

the law. How it became the law is easily explained but foreign to the subject.

Anything that was desired by those who governed to be the law could be shown to be such, however, by some part of the archives for the court records, or previous decisions of judges, were held to be law; as they are to this day.

And that, notwithstanding the previous decisions may have been just, or somewhat justified, under the circumstances, but in other cases, under the circumstances, most unjust.

So it was that many people strenuously objected to being governed by these archives, handed down from former generations, and often most barbarous and fiendish.

They were not opposed to justice—not afraid to submit to the judgment of their fellow men and abide by their decisions of any case decided on its merits without regard to the archives.

But as the archives, in some place or other, defined almost every human action as felony and fixed the penalty (usually death and frequently worse than death) those who were aware of that fact drew the line on those archives.

It now only remains to determine what to call this opposition to the archives which, we must remember, is essentially a Greek word.

In English we have certain prefixes; such as “in,” “un,” “im,” etc., to prefix to words to give them an opposite meaning: by which means we get the words “incapable,” as opposed to “capable;” “unnecessary,” as opposed to “necessary;” and “impossible,” as opposed to “possible.”

So in Greek “a,” the first letter of the alphabet, was used as a negative prefix precisely as our “in,” “un,” and “im.” Prefixing this “a” to “arch,” the root before spoken of, we would have the word “a-arch.” But in both Greek and English it is customary for the sake of euphony, so as to avoid harsh sounding words, to add “n” to “a” before a vowel. We do not say “a egg,” but place “n” be-

tween the two vowels. We do not say "a-arch" but "anarch." We add the "y" to "anarch" the same as we add the "y" to "smith" for smithy, meaning a blacksmith.

George Washington and his fellow founders of this government objected to being governed without regard to the principles of justice merely because the archives could be cited as authority for so doing and, to this extent, they were anarchists. They were not, however, anarchists to the full extent of the meaning of the word as they did not even undertake to abolish government by means of these old archives but, on the contrary, after striking out by means of the United States Constitution a few of the most barbarous and fiendish parts (which accomplishment even anarchists do not belittle) they adopted as the very foundation of their government and jurisprudence these same old English archives and to this day the common law of England (which is nothing but the same old archives or court records—decisions—of ancient generations) is practiced throughout the United States.

Some people like to divide up anarchists into all sorts of classes such as philosophical anarchists, unphilosophical anarchists, fool anarchists, damn fool anarchists, etc. I know of but one class that doesn't take the foregoing view of anarchy. That is the class that is said to be opposed to law and government on principle.

I am equally willing to defend either, for there is so little, if any, difference between them that it is extremely difficult to appreciate it. For it must be borne strictly in mind that anarchy according to the latter, if two classes there be, is only a relative term, representing a more advanced stage than the past or present in the gradual dispensing with "established rules and fixed precepts" (as Blackstone puts it) with its attendant diminution of centralized power over the lives and material welfare of the people vested in the so-called "representatives" (agents would be a better word as no man can represent another

in the true sense of the word) of those people whom they are supposed to "represent."

Considered in this light, it can be compared, simply to get a clear conception of the mere relativity of the term, to the "free-trade" policy of the democratic party, advocated so long and with such apparent earnestness.

The greatest distinction between the Republican and Democratic parties until recently, and the only one till 1896, was the issue between "protection" and "free-trade." Neither of these parties ever stood for "protection" or "free-trade" in the absolute sense but only in a relative sense. The Republican party never advocated barring out foreign merchandise completely or absolutely, but only to a limited or relative extent: to a relative extent as compared with a freer admission of such merchandise. Nor did the Democratic party ever advocate free-trade in an absolute sense which would wipe out all tariff duties: but only in a relative sense as compared with greater restrictions on, and barriers to, the exchange of labor products. Yet the Democratic party is the one which has been said to stand for free-trade, though it never advocated making trade free but only making it a little less unfree.

So with anarchists who are said to be opposed to government and law on principle. All anarchists are opposed on principle to what the words "government" and "law" are now generally understood to represent. They are opposed to all government and law such as we have any examples of. They have no opposition or antagonism to the mere words "government" and "law." They would have no animosity, but only pity, for a few imbeciles who posed as the sponsors for the morality of the people—their superiors—and called themselves a government as long as those imbeciles did not have a power—and exercise it—to infringe upon the rights of others. And if a law were enacted prohibiting people (under severe penalties if you please) from jumping over the moon anarchists would not

be incensed thereat merely because it was <sup>\*</sup>called a law any more than if it were merely called a recommendation.

Nor are they opposed to such few simple laws, rules or regulations as do not *materially* infringe upon their rights; nor to such as are necessary—provided they are really *necessary*. They certainly are opposed to submitting to such an infinite amount of complicated law that no man could ever read it all in a century. They are opposed to being governed by “established rules and fixed precepts” that it is impossible for them to ever so much as read over a single time. They are opposed to government by such “established rules and fixed precepts” as can not generally be applied, but any one of which may be for the purpose of persecution, robbery and oppression. They are *certainly* opposed to such laws as give to J. Pierpont Morgan the power to enslave men and drive women into prostitution to get bread!

In short, they say that any law which is a crooked interpretation of the moral law is in conflict with the moral law and that the moral law is more binding than any human law can be.

But, some people say, anarchists only complain of the necessary hardships of a necessary government. That all people are opposed to the same things that anarchists complain of. That those things are not the result of our government. That our government is the very best—all wool and a yard wide. That anarchists simply want to *tear down* what it has taken ages to build up and haven’t a sufficient amount of intelligence to supply anything better.

Anarchists certainly do wish to tear down what has been handed down to us by former ages of superstition and oppression. Anarchists do place more reliance in the intelligence of the present generation for the government of the present generation than they do in our ancient bloodthirsty ancestors for the government of our present generation.

As to not having sufficient intelligence to supply something better, the most ordinary hod carrier could supply something which could not be any worse.

And when anarchists say this they are invariably asked why it is not done. If it has not been done many times already it is only because people do not ordinarily like to begin at the end of their work and go back towards the beginning. The first and most important work is to wipe out of existence our pre-existing law, or the ancient social compact.

Little, if any, law is needed, but the easiest work on earth—the greatest snap—is the manufacture of law for other people to be governed by.

However, as this cry about not supplying anything better is getting to be a bad dream with those who can't say anything else against anarchists, it might be well to present something better, designed to supersede our United States Constitution.

The first temptation is to make it concise; in one section and three sentences, as follows:

“All law whatsoever is hereby repealed. But, notwithstanding, the social structure for the execution of public policy and management of public affairs shall be continued as heretofore. But, notwithstanding (I'm fond of that 'but notwithstanding' business but can only use it in the last two sentences—being only three) the rights of man shall not be materially infringed upon any more than is absolutely necessary.”

But, as there are so many people who do not seem to understand such a constitution, and as we may not have reached a sufficiently advanced stage of intellectual development to properly execute it, a more elaborate affair has been framed and is submitted for approval in the succeeding chapter.

## CHAPTER IV.

### THE ANARCHIST CONSTITUTION.

#### A NEW SOCIAL COMPACT.

PREAMBLE. We, the people of the United States, in order to reach a more advanced state of society and insure to the people a greater measure of justice and freedom and, as nearly as possible, to guarantee to all an opportunity to labor, and enjoy the fruits of their labor, so that all may have an equal opportunity to provide for the material welfare of themselves and those dependent upon them, do ordain and establish this constitution for the regulation of social relations of the people towards each other and recognize, and hereby assert, our moral obligation to do all in our power to make it serve the ends of justice to all, without regard to technical matters.

SECTION 1. All law heretofore existing is absolutely repealed and nullified in-so-far as the people of the United States, or any of them or their territories, are concerned and cannot be revived or re-enacted except by amendment to this constitution, or as herein provided.

SEC. 2. The regulation of the United States shall vest in a President and Congress, except as herein provided.

SEC. 3. The Congress shall consist of two houses, which shall be a Senate and House of Representatives respectively.

SEC. 4. Upon adoption of this constitution, the Congress shall be as at the time of adoption of this constitution until changed in accordance herewith.

SEC. 5. The President holding office at the time of the adoption of this constitution and all government officials elect within the territory of the United States, whose offices are continued under this constitution, shall serve out

the term for which they were elected except as otherwise herein provided.

SEC. 6. Either the President or Congress may appoint any officer or official to fill any vacancy in a federal office, except as herein provided.

In the case of an appointment by the President, it shall be superseded by a subsequent appointment by Congress.

SEC. 7. All states and territories which were states and territories of the United States prior to the year 1898 shall be and constitute states of the United States and no state shall withdraw from the union of states known as the United States without the consent of a majority of the other states. But each state shall have at least one representative in Congress.

SEC. 8. All monies, books, papers, records, and other property belonging to the United States, any state, county, city, town, or city and county, at the time of the adoption of this constitution shall belong to its respective successor under this constitution.

SEC. 9. The regulating or governing bodies of all towns, cities, counties and states shall be constituted as they were at the time of the adoption of this constitution, until changed as herein provided.

The mention herein of any office or official shall provide for such office. Congress may provide for any federal office not in conflict with other provisions of this constitution and fix the compensation thereof, not to exceed that of a representative in Congress. The legislature of each state may provide for state offices and fix the compensation, not to exceed that of a legislator in the most numerous branch of the state legislature. Towns and cities may provide local offices of their own and fix the compensation not in conflict with any of the provisions of this constitution. And, in accordance herewith, the legislature of each state may provide for such detective force as may be deemed advisable.

The government of territories existing prior to the year

1898 shall continue as at the time of the adoption of this constitution until they have governors and legislatures as provided for states herein, after which time they shall be as other states.

SEC. 10. Either the governor or legislature may appoint any state or county officer or official to fill any vacancy.

In case of appointment by the governor, it shall be superseded by a subsequent appointment by the legislature.

SEC. 11. All counties existing at the time of the adoption of this constitution shall be counties until changed in accordance with this constitution and the sheriff of each county holding office, or duly elected, at the time of the adoption of this constitution, shall serve out the time for which he was elected.

SEC. 12. One city or town in each county shall be designated by the legislature as the county seat and, until otherwise changed by the legislature, the county seat of each county shall be the same as at the adoption of this constitution.

Each county shall have a county clerk who shall be, by virtue of his office, clerk of as many departments of the court of his county as may be located in the county seat, and also registrar of voters for the county seat. There shall be a department clerk in each town or city other than the county seat in which there is one or more departments of the county court, and he shall be, by virtue of his office, clerk of all the departments of the county court in said town or city, and also registrar of voters in said town or city. There shall be a county registrar of voters who shall have supervision of, and be responsible for, the registration of voters within the county and not within the territorial jurisdiction of a county or department clerk. And he shall report to the county clerk. But there shall be no county registrar of voters where there is no territory in which for him to have jurisdiction.

Each county shall have a sheriff who shall be, by virtue of his office, the chief of police for the county seat, and his territorial jurisdiction shall be throughout the extent of his county; all towns and cities having one or more departments of the county court therein, excepted. Each town and city, not a county seat, and having one or more departments of the county court located therein, shall have a deputy sheriff who shall be, by virtue of his office, the chief of police.

Each town and city may provide for such a police force as the good of the community therein may seem to require, but such force shall be diminished as fast as, and as far as, the good of the community therein will permit. The sheriff shall have police supervision over his county at large and shall have such police force therefor as the state legislature may provide but such force shall be diminished as rapidly as the welfare of the county will permit.

SEC. 13. All cities and towns existing at the time of the adoption of this constitution shall be cities and towns respectively until otherwise provided by this constitution or by the legislature of the state in which they are situated.

SEC. 14. Either the mayor or the governing body of a city or town may appoint any city or town officer or official to fill a vacancy.

In case of an appointment by the mayor, it shall be superseded by a subsequent appointment by the governing body of the city or town.

SEC. 15. Every town shall conduct one or more stores for the sale of merchandise subject to the general supervision of the mayor of the town and the governing body thereof.

SEC. 16. All towns may engage in and conduct such other business as to the mayor and governing body may seem proper and must engage in and conduct to the best of their ability such other business as a majority of the voters at any election direct.

SEC. 17. Sections fifteen and sixteen shall apply equally to cities, counties and states with the exception that the provision of section fifteen in regard to stores for the sale of merchandise shall not apply to counties and states.

SEC. 18. Every city and town shall publish a directory at least every two years and every city having a population of more than ten thousand inhabitants shall publish a directory every year.

SEC. 19. The legislature shall provide for the most efficient public school system possible and all books used therein shall be free of cost to the pupils.

SEC. 20. The United States may engage in such lines of business as to the Congress may seem proper.

SEC. 21. The United States must engage in and conduct to the best of their ability such lines of business as the House of Representatives may, by a two-thirds vote, direct.

SEC. 22. The United States must engage in and conduct to the best of their ability such lines of business as a majority of the states may direct.

SEC. 23. The United States must engage in and conduct to the best of their ability such lines of business as a majority of the voters at any national election may direct.

SEC. 24. The United States must submit to a vote of the people at the next national election, for approval or rejection, the recommendation to the Congress to engage in any line of business, if made six months or more previous to a national election, by one-third of the members of Congress, by one-third of the states, by three-fourths of the governors, or by the mayors of one-tenth of the cities of more than ten thousand inhabitants.

SEC. 25. The Congress shall have general supervision, acting in the capacity of a board of directors, over all business carried on by the United States, but no person connected with, or employed in, the prosecution of such busi-

ness shall have a greater income than a member of the House of Representatives.

SEC. 26. The United States may provide for and maintain such navy as Congress may direct under such rules and regulations as Congress may establish.

SEC. 27. The United States may provide for and maintain such army as Congress may direct under such rules and regulations as Congress may establish, provided that in time of peace when war is not imminently impending such army shall not exceed five thousand men.

SEC. 28. The United States shall maintain one military academy and one naval academy under the direction of Congress.

SEC. 29. Each state shall provide for and maintain a citizen militia, under the direction of the legislature, which, in time of peace, shall be maintained in encampment, as in military campaign, two months in each year. Each male citizen of the state, unless excused for physical incapacity must serve through two yearly encampments before he reaches the age of twenty-one years, provided no person need serve under this section who has passed the age of nineteen years at the time of the adoption of this constitution. The United States shall place at the disposal of each state one military instructor, for the purpose of carrying out the provisions of this section, who shall be a graduate of the United States military academy. In time of peace, no person shall belong to said militia who has passed the age of twenty-two years and, in time of peace, no person shall be required to serve in the said militia more than for two months in each one of two different years.

SEC. 30. No patents or copyrights for new inventions or writings shall ever be issued in the United States.

SEC. 31. Congress shall be a committee of the whole for the purpose of suitably rewarding inventors and writers for their work upon the recommendation of the home state of the inventor or author. But this shall not

be construed as prohibiting Congress from acting on the recommendations of a sub-committee for the consideration of such rewards. Each state legislature shall, in like manner, be a committee of the whole for rewarding inventors and authors of such state upon the recommendation of the home town or city of an inventor or author. Each town or city governing body shall, in like manner, be a committee of the whole for awarding such rewards, provided each town or city governing body may prescribe for its own regulation under what conditions it will take cognizance of applications for such rewards, and such conditions must be uniform as to all such applications. Any resident of such town or city may, within thirty days, appeal to the legislature to stay such award for a reasonable time and the legislature may stay the award and declare it annulled. The legislature shall not reward an inventor or author upon the recommendation of his home town or city to a greater extent than is so recommended. And, upon any award by the legislature, any legislator, thereof, may appeal to the Congress to stay such award for a reasonable time and the Congress may stay the award and declare it annulled. The Congress shall not reward an inventor or author upon the recommendation of his home state to a greater extent than is so recommended. Congress shall make no awards to inventors or authors except upon the recommendation of the home state of the inventor or author. The legislature shall make no awards to inventors or authors except upon the recommendation of the home town or city of the inventor or author.

SEC. 32. Any city or state may submit to a vote of the people at any regular election whether or not to engage any specified number of persons on salary to work on any invention or literary production and, unless the names of such persons and the salaries to be paid are provided for in such election, all persons engaged by virtue of such election shall be paid only the average earnings of jurors, as determined by the provisions of this constitution.

SEC. 33. No legislative or governing body in the United States, or in any of them, shall define any crime or fix any penalty for misbehavior, provided that courts shall not be construed as governing bodies.

All trials shall be public unless by mutual agreement between both plaintiff and defendant, and otherwise sanctioned by the adviser.

SEC. 34. Congress shall have power to establish United States courts, not in conflict with any of the provisions of this constitution, and prescribe their constitution, duties, regulations and jurisdiction; provided, they shall not have jurisdiction over causes arising between citizens or residents of the same state nor have jurisdiction over the misbehavior of any person not a federal officer committed within any state.

SEC. 35. Every state shall establish in each county one court, which may be divided into as many departments as the legislature shall direct, which shall be known as the county court of the county in which it is.

SEC. 36. The county court of each county shall be divided into as many departments as the legislature may from time to time direct, and the departments located as the legislature may direct.

SEC. 37. The governor of each state shall appoint for each department of each county court within his state a court adviser who has served one year in his county as a judge prior to the adoption of this constitution and, without good and sufficient cause to his own satisfaction for the contrary, he must appoint as court adviser the last judge of said court who has served the requisite time. Said adviser shall serve until as otherwise herein provided. Said adviser shall, either in person or (when necessary) by a substitute to be appointed by him, preside over every case considered by his department and give such advice as he can that he may be asked for by either party to the case or by any of the jury. He may also volunteer such advice as to him may seem pertinent

to the case but in no case shall he direct or instruct any jury as to what verdict must be rendered.

SEC. 38. Any person who believes that his rights, or the rights of the community, have been materially infringed upon so as to amount to great injustice may constitute himself a plaintiff and, without cost, file his complaint with the county or department clerk and if the defendant named therein resides in the same town or city the county or department clerk must endorse the complaint, or a copy or synopsis thereof, to the sheriff or deputy sheriff which shall constitute a warrant and, except in cases of murder or other heinous felony, in which cases the complaint must be endorsed by three citizens before it can be taken cognizance of, he shall recommend a proper amount of bail. If the sheriff or deputy sheriff approve the amount of bail recommended by the county or department clerk he shall take such bail or arrest the defendant. If he does not approve such amount of bail the county or department clerk, the sheriff or deputy sheriff, and the court adviser (or advisers if it be in a town or city in which there are more than one department) shall constitute a bail board and a majority, or half if it be of an even number, of such board, shall determine a proper amount of bail. If it be too serious a felony for the county or department clerk to recommend any amount of bail, the bail-board must be called upon immediately to pass judgment thereon and each member of the bail-board must endorse on the complaint, or copy or synopsis thereof signed by the county or department clerk, his judgment of amount of bail to be required. If a majority, or half, of the members of said bail-board agree on any amount, such shall be the amount. If not, the average of such amounts so endorsed shall be the amount of bail to be required. If the defendant does not reside in, or cannot be found in, the town or city in which the complaint is filed the county or department clerk shall, if in his opinion the case warrants the apprehension of the defendant, or in case the bail-board

has been called upon to determine a proper amount of bail to be required, endorse to the sheriff or deputy sheriff as serviceable anywhere within the county the complaint, or copy or synopsis thereof, signed by him, which complaint, or copy or synopsis thereof, is the warrant to the sheriff, or deputy sheriff, for the arrest of the defendant anywhere within the county. If said warrant be endorsed as serviceable throughout the state by all, or all but one, of the bail-board it shall be serviceable as a warrant for arrest in any part of the state and if, in addition to said endorsements, it be endorsed by the governor it shall be serviceable in any part of the United States. Provided, however, that if there be two or more warrants for the same defendant the one bearing the earliest date shall have precedence unless otherwise mutually agreed by the advisers and provided that in cases where this is not sufficient to settle any controversy it may be determined by the governor except where two or more states are involved it shall be determined by the President.

SEC. 39. All complaints shall be numbered by the county or department clerk as they are filed, in numerical order. And all cases shall be heard and tried in numerical order, according to the number of the complaint, except as herein provided.

SEC. 40. The adviser shall grant the first postponement of a case if mutually desired by both the plaintiff and defendant and, in cases of such mutual desire, may grant further postponements indefinitely.

SEC. 41. At the solicitation of either plaintiff or defendant a postponement shall be had by the unanimous consent of the bail-board.

SEC. 42. At the solicitation of the defendant one postponement, not exceeding thirty days, must be granted, if no previous postponement has been granted.

SEC. 43. At the solicitation of either plaintiff or defendant at any time a postponement must be granted provided a physician's certificate be produced showing that

the party is unable to attend court and provided for the first postponement the certificate is signed by one physician, the second by two, the third by three, and so on indefinitely and provided that only one such postponement, not exceeding ten days, at the solicitation of the plaintiff, can be had unless the defendant has been released on bail.

At the solicitation of either plaintiff or defendant, one postponement, not exceeding ten days, shall be granted for the inability of a principal witness, registered with the county or department clerk as such. And, in cases of heinous felony, any number of postponements may be granted, in like manner, in the discretion of the adviser, upon solicitation of defendant.

SEC. 44. No court or department thereof shall hear or determine any case within one week from the date of filing complaint except by request of both plaintiff and defendant and in no case can a jury trial be waived.

SEC. 45. Every case shall be tried by a jury and every jury shall consist of twelve jurors who shall be men whose names are in the directory herein provided for, provided that where women are allowed to vote they shall be men or women, or both, whose names are in the directory. The county or department clerk shall take the names of eligible jurors in alphabetical order out of the directory without skipping or excusing any person eligible to serve as a juror. Any person who has not reached the age of twenty-one years, or who has passed the age of sixty years, shall be excused from jury duty. No juror shall serve on any case where he is ancestor or posterity of either plaintiff or defendant or brother or sister or a member of the same household. A juror's official statement on the subject shall be conclusive evidence as to such relation and a juror excused for any reason shall serve on the next jury in the same department for which he is eligible.

SEC. 46. The jury shall be absolute judge of all questions of law and fact and of the admissibility of evidence. The adviser may give an opinion of the admissibility of

evidence but such opinion may be over-ruled by a majority of the jury. One-half of the jury with the adviser concurring or a majority of the jury in opposition to the adviser shall be the decision of the court in everything; questions of law, questions of fact, admissibility of evidence, verdict, judgment, and sentence, all included, except as otherwise herein provided.

SEC. 47. Where a majority of the jury is herein spoken of, one-half of the jury with the adviser concurring shall constitute such majority, as well as seven or more of the twelve jurors without regard to the decision of the adviser.

SEC. 48. Where more than one case can be tried in one day the jury shall serve one full day provided when, after trying one case, a majority of the jury and both plaintiff and defendant believe the next case cannot be completed that day, or when a majority of the jury and the adviser and either plaintiff or defendant believe the next case cannot be completed that day, the jury shall not take up the next case. But, notwithstanding, a jury must complete a case started in on and, in case of such serious illness of a juror that he cannot serve on, or complete, a case, vouched for by a physician, he shall be excused and the next eligible juror substituted; but a juror so excused shall serve on the next jury after he is again able to serve, for the determination of which his physician must vouch, and the county or department clerk must see that such juror is not indefinitely excused.

SEC. 49. Any juror may ask any question pertinent to the case during the progress of the trial.

SEC. 50. After the jury has heard all the testimony on both sides both plaintiff and defendant may address the jury within reasonable limits in the discretion of the adviser, reversible on appeal to the jury, after which the adviser shall give his advice to the jury, as unprejudiced against either side as possible, calling attention to those

matters which, from his experience, and in his judgment, appear to him to be most pertinent to the case.

SEC. 51. The jury shall then retire and deliberate on the case. During such deliberation one-half or more of the jury may call for the plaintiff and defendant (but neither one without the other) in which case they may be accompanied by their attorneys, and the adviser also if one-half of the jury desire him, for further enlightenment and the jury may dismiss them all when a majority so desires.

When called to the jury room for consultation the adviser shall give only such advice or consultation as he is asked for by a juror.

SEC. 52. Any jury may also register with the county or department clerk a vote of censure against the adviser, any attorney on either side of the case, the county or department clerk, the sheriff or deputy sheriff, any policeman (especially for courtesy at, or subsequent to, the time of making arrest) or any person whose official conduct is brought to their notice. When three different juries have registered a vote of censure against any person a complaint against such person may be filed by any juror having served on any of the juries which registered such vote of censure or by any one in whose behalf any such vote of censure has been registered. And when such complaint is heard and tried the jury having the trial thereof may include as part, or the whole, of their sentence a suspension for a specified time, or dismissal, from the office held by such person provided that in case of attorneys such attorneys can not be disbarred from the management of any cases already in their charge nor, for the first time, for a longer period than six months.

SEC. 53. Every jury must file with the county or department clerk an official statement of the monthly earnings of each juror thereon, as nearly as he is able to estimate the same. Each juror in registering the amount of his earnings shall give as such amount his gross income

less such necessary amount as must be paid therefrom for unavoidable expense not counting in such expense any cost of living, either for himself or any one dependent upon him. For instance, a merchant must give what he receives for goods sold in excess of the cost thereof, or gross profit; less what he pays for rent of store, light, heat, etc., and pay to employees, but not deducting the rent of his domicile or any family or living expense.

At the end of each month during the first year after the adoption of this constitution, and at the end of each year thereafter, the county or department clerk must certify to the state legislature the average earnings of jurors as determined by such official statements and the state legislature, at such intervals, shall cause to be promulgated the average earnings of jurors throughout the state as determined by such statements. Each state legislature must also, in like manner, cause Congress to be notified of the average earnings of the jurors of the state and Congress shall cause to be promulgated therefrom, at such intervals, the average earnings of jurors throughout the United States. And where jury pay or the pay of jurors is herein referred to such average earnings of jurors in the state shall be the standard or unit as to such state and such average earnings of jurors throughout the United States shall be the standard or unit as to the United States.

But where women serve on juries, the foregoing shall not apply to such women; but only the earnings of men shall be considered: and of only such men, too, as do not receive three-tenths jury pay for incapacity.

SEC. 54. No offense or misbehavior of any person under the age of thirteen years shall be taken cognizance of in a criminal way by any court or officer in the United States and, only in cases of the greatest enormity and depravity, and by unanimous verdict of the jury, with the adviser concurring, may such child be restrained and such restraint shall not be confinement in any jail or imprison-

ment in any place where adults are confined but may be compulsory attendance at some school, subject only to the usual regulations thereof, aside from compulsory attendance, and for a specified time only.

SEC. 55. A unanimous verdict of the jury, with the adviser concurring, shall be necessary to punish a child under the age of fifteen years.

SEC. 56. A unanimous verdict of the jury shall be necessary to punish a person under the age of seventeen years.

SEC. 57. In all cases requiring a unanimous verdict, the jury must agree unanimously on the sentence.

SEC. 58. To convict and punish a person under the age of twenty-one years, three-fourths of the jury must agree thereon.

SEC. 59. It shall be necessary for a majority of the jury only to agree on a verdict and sentence when the defendant has passed the age of twenty-one years.

SEC. 60. In case of sentence against the defendant, the defendant may have a new trial upon petition to the county or department clerk signed by all the jurors, or so many of them as are living and have not been subsequently convicted for misconduct at the trial of said defendant, and the adviser.

SEC. 61. In the case of sentence agreed to by all the jurors, and endorsed by the adviser, the defendant may have a new trial by petition to the county or department clerk signed by ninety of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the one hundred who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 62. In case of sentence agreed to by all the jurors, and not endorsed by the adviser, the defendant may have a new trial upon petition to the county or department clerk signed by seventy-five of the one hundred or less

number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 63. In case of sentence agreed to by ten or eleven of the jurors only, and endorsed by the adviser, the defendant may have a new trial by petition to the county or department clerk signed by seventy-five of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 64. In case of sentence agreed to by ten or eleven of the jurors, and not endorsed by the adviser, the defendant may have a new trial by petition to the county or department clerk signed by sixty of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 65. In the case of sentence agreed to by eight or nine of the jurors only, and endorsed by the advisor, the defendant may have a new trial by petition to the county or department clerk signed by sixty of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 66. In the case of sentence agreed to by eight or nine of the jurors only, and not endorsed by the adviser, the defendant may have a new trial upon petition to the

county or department clerk signed by fifty of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 67. In case of sentence agreed to by seven of the jurors only, and endorsed by the adviser, the defendant may have a new trial by petition to the county or department clerk signed by fifty of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 68. In the case of sentence agreed to by seven of the jurors only, and not endorsed by the adviser, the defendant may have a new trial by petition to the county or department clerk signed by twenty-five of the one hundred or less number of persons last serving as jurors in that department prior to the trial of the defendant's own case. Those of the said one hundred or less who are shown, by the records of any county in the United States, to have died shall be counted with those who have signed said petition.

SEC. 69. In the case mentioned in Sec. 68, the defendant may also have a new trial upon petition to the county or department clerk signed by the adviser and five of the jurors who tried his case.

SEC. 70. The state legislature may provide under what conditions a new trial may be granted to the plaintiff, but otherwise:

SEC. 71. No plaintiff shall be granted a new trial when the verdict of the jury is unanimous and endorsed by the adviser.

SEC. 72. No defendant shall be fined or imprisoned for non-payment of a debt in consequence of credit having been extended to him, nor shall any defendant be fined or imprisoned as a result of any trial subsequent to the first one, granted at the solicitation of the plaintiff, notwithstanding Section 70. But this shall not be construed as prohibiting punishment for acquisitions by false pretense, upon the first trial, nor as prohibiting the award of damages upon a trial subsequent to the first granted upon solicitation of the plaintiff.

SEC. 73. Punishment by death shall never be inflicted in any case.

SEC. 74. Punishment by the whipping post, as well as everything akin to it in nature, and all punishment of whatsoever nature or kind by means of physical or corporal pain, or maiming, shall be unconstitutional and, therefore, prohibited.

SEC. 75. A plaintiff shall be entitled to a new trial upon a unanimous verdict against him by the jury, and not endorsed by the adviser, provided one-half the advisers of the state and any one of the jury endorse a petition therefor to the county or department clerk.

SEC. 76. A plaintiff shall have a new trial upon a verdict against him agreed to by more than six and less than twelve of the jurors, and endorsed by the adviser, provided one-third of the advisers of the state and any juror on the case endorse a petition to the county or department clerk therefor.

SEC. 77. A plaintiff shall have a new trial upon a verdict against him agreed to by more than six and less than twelve of the jurors, and not endorsed by the adviser, provided the adviser and two other advisers of the state and one juror on the case endorse a petition to the county or department clerk therefor.

SEC. 78. A jury can, by a verdict agreed to by three-fourths of the jurors, and endorsed by the adviser, or, by a unanimous verdict, not endorsed by the adviser, properly

punish a plaintiff in the case on trial before such jury for unwarranted prosecution, but this section shall not be construed as placing upon a jury any duty to punish a plaintiff for mere failure to show a just and good cause of prosecution, especially in matters of a very serious nature, but only to authorize such punishment, within a reasonable degree where the prosecution is clearly and manifestly, without any reasonable doubt, an intentional injustice and persecution.

SEC. 79. No oath of any kind shall ever be required of any person in the United States.

SEC. 80. Perjury shall be of two classes—material and immaterial. To which class any perjury belongs is a question of fact for the determination of the jury.

SEC. 81. Any official statement, verbal or written, to any court, if untrue, is perjury. Any testimony of a witness in court is official statement.

SEC. 82. Any willful concealment of material or important facts or circumstances, which it would be proper for the jury to know, on the part of a witness is perjury.

SEC. 83. Any official statement in the nature of an affidavit in writing, certified to by an officer authorized by Congress or by the legislature to certify such statements, if such statement be false or untrue, shall be perjury on the part of the person making same.

SEC. 84. Any official statement in writing from one government official to another or from any person to any legislative, governmental or judicial body or to any government official, if false and untrue, with the knowledge that it was addressed to such parties, is perjury.

SEC. 85. The age of consent in females shall, in no case, be less than fourteen years. Between the ages of fourteen and seventeen it shall rest with the jury to determine whether or not consent could be given, due consideration being given, where proper, to the age of the other party, as well as to other circumstances.

At the age of seventeen a girl has reached the age of consent.

SEC. 86. No particular or precise form of marriage ceremony shall be required, but any form mutually agreed upon by both parties thereto shall suffice.

SEC. 87. No person shall be a party to any incestuous marriage or co-habitation.

SEC. 88. No person shall marry, or co-habit with, any girl who has not reached the age of consent.

SEC. 89. All children are hereby made legitimate.

SEC. 90. Any marriage, by whatever form, may be recorded by both parties thereto, or either of them with the written consent of the other, with the county or department clerk and certified to by as many witnesses as may be desired, not exceeding four, on the marriage records of the county or department clerk. Any, or all, children of either, or both, the parties thereto may be recorded likewise and where one or more children are recorded, the record being subscribed to by both parents, neither parent can thereafter dispute the parentage and, when only subscribed to by one parent, such parent can not thereafter dispute the parentage.

SEC. 91. Marriage is hereby declared to be for the purpose of giving paternity to children and not for the purpose of compelling people to live together against their will.

SEC. 92. The validity of a marriage valid at the time of the adoption of this constitution shall not be brought into question.

SEC. 93. Immediately upon marriage the surname of the woman shall change to that of the man whom she marries but upon the termination of the marriage, by death of the husband or otherwise, she may again assume her previous, or maiden, surname provided she first record with the county or department clerk within whose territorial jurisdiction she lives the fact that she does so assume.

SEC. 94. A physician must be called in to attend every

birth and the attending physician must record with the county or department clerk every birth he attends, within one week after the birth, giving the name of the father (if known), mother and child. The child's name must be told to the physician by the father, mother, or both. The physician must also record the day of the child's birth and the location where born. The father must, within thirty days after said birth, subscribe to the registration recorded by the physician, first having identified himself if unknown; provided that if the record in the matter be incorrect or incomplete the physician must correct or complete same, after which the father must subscribe thereto within thirty days. If the father does not subscribe to the record the mother must do so within sixty days, or as soon as she is able in the opinion of the physician. Where a birth does not occur in a city or town within which there is a department or county clerk these matters may be recorded and subscribed to by means of affidavits mailed to the county or department clerk, but in all cases the records must show all the material facts in such a way as to be readily referred to. If the physician does not record, it shall be the duty of any to whom such knowledge come to file a complaint against him therefor. And if the parent whose duty it is does not subscribe thereto the county or department clerk must, when the time limit expires, file a complaint against the offending person for such neglect.

SEC. 95. In event of the inability, or neglect, of the attending physician to record, it shall be the duty of any person having knowledge thereof to see that the matter is recorded by himself or some one else and in event of inability, or neglect, of a parent to subscribe thereto it shall be the duty of any person having knowledge thereof to see that the record is subscribed to by himself or some one else.

SEC. 96. Every death shall be recorded by the attending physician within one week with the county or depart-

ment clerk showing, as far as possible, the name, day of birth, location of birth, name at birth, and time, location and cause of death. If no physician was in attendance at the time of death a physician must be called upon to view the corpse as early as possible, if for no other purpose than to attend to the record of death. In the case of inability, or neglect, of the attending physician to so record a death it shall be the duty of any person having knowledge thereof to see that the same is duly recorded by himself or some one else.

SEC. 97. It shall be the duty of the county or department clerk with whom a death is recorded, when it appears that the birth of the deceased was recorded in another county, to notify the county clerk of the county in which such birth was recorded and the clerk of the county in which such birth was recorded shall add the death record to the birth record of the deceased. And when the death is recorded in the same county in which the birth of the deceased was recorded the death record shall be added to the birth record by the county or department clerk.

SEC. 98. Upon the death of any person leaving a surviving wife or husband with whom the deceased was living at the time of death, or with whom the deceased was intending to live again, all the property not derived from a former husband or wife of such deceased person shall immediately become the property of the surviving wife or husband; out of which, if ample therefor, the minor children of the deceased shall be provided for. And in any action against the survivor for the debts of the deceased it shall rest with the jury to determine whether such indebtedness of the deceased should justly be assumed by the survivor.

SEC. 99. Upon the death of any person not leaving any surviving wife or husband, as in the preceding section, the County Clerk shall see that the entire estate goes to the county treasury, and into only one fund thereof, which fund shall be known as the Orphans' Trust Fund. And

the records must show how much has been derived from such estate for said fund. If the deceased left any minor children surviving, the amount of his estate shall first be applied to allowing each one of them, as long as it shall be adequate therefor, one-half of the average earnings of jurors of the state, monthly; provided that said monthly allowance to each such orphan shall cease when the orphan reaches the age of twenty-one years; or upon death, if death occurs before that time.

SEC. 100. After such monthly payments have ceased, or been provided for, the residue of the estate; or, in case there be no such surviving children of the deceased, then the whole of the estate shall be paid into the General Orphans' Fund, which fund shall be distributed equally in monthly payments to all orphans recorded in the county whose residence has been within the county any time during the preceding month, and whose age is less than eighteen years, with the proviso that no orphan shall receive such monthly payments from two or more counties at the same time. And such monthly payments shall be as great as may be necessary to prevent any surplus in the General Orphans' Fund greater than the total income thereinto during the three months last past. But no payment shall be made out of the General Orphans' Fund to any orphan receiving half juror's pay from the Orphans' Trust Fund, unless the one be relinquished in favor of the other.

Upon the death of a person leaving an estate not provided for by this or the two preceding sections, the entire estate shall go to the General Orphans' Fund.

SEC. 101. In all cases where fixed improvements appurtenant to land are part, or the whole, of an estate which, according to the provisions of this constitution, should go into either the Orphans' Trust Fund or the General Orphans' Fund, such property shall not be used for the benefit of orphans, but shall become and remain the general property of the community to which the corre-

sponding land belongs and included in the lease of such land, the same as land; the other provisions of this constitution to the contrary notwithstanding.

All such property shall be fully described and set forth in the public records of the county, city or town in which it is located, which records shall be open to inspection by the public.

SEC. 102. Every city and every town shall employ one or more physicians, and as many as may be necessary to carry out the provisions of this section. Whenever any person therein is in need of medical service to such extent as to be confined to the house and sends to the town or city authorities for a physician or surgeon, such physician or surgeon shall be sent to attend to the case, and continue to attend to the case until such attention is no longer required, and as far as may be, the preferences of people calling for such medical attention shall be duly considered. Such attention shall be free.

SEC. 103. Every city and every town shall maintain at least one medical office, which shall be kept always open, and in each such office, or at least in one such office in every city and town, there shall always be at least one physician present, and any person applying there for medical service shall be given it. All such service shall be free.

SEC. 104. Every city and every town shall supply all drugs and medicines prescribed for by physicians without charge.

SEC. 105. Every city of more than ten thousand inhabitants shall maintain at least one hospital, where the attention to all inmates shall be the best that is possible, which shall be open to all who apply for admission thereto, and in which all medical and surgical attention, board, lodgings, drugs and medicines (which are prescribed by attending physicians therein) shall be free.

SEC. 106. Every State Legislature shall prescribe the qualifications necessary to constitute a physician, surgeon

or dentist within the state, and for this purpose, may call for, and require, of any person or persons within the state such information or advice as it desires.

SEC. 107. No person who is not a physician, surgeon or dentist shall practice such profession for pay.

SEC. 108. No restrictions shall ever be placed upon any religious belief, or the teaching thereof, provided that no person shall teach any religion, or religious belief, for pay, or other gain in lieu thereof, and provided that this section shall not authorize the teachings to minors by others than parents of such beliefs that the teaching thereof is clearly a material infringement upon the rights of man.

SEC. 109. Each state shall pay to each child within the state under the age of five years, monthly, one-tenth jury pay, and to each child between the ages of five and fifteen years, two-tenths jury pay. These payments shall be made to the mothers when they have the custody of such children. When the mothers have not the custody of such children, the payments shall be made to the fathers when they have the custody of such children. When the children are in the custody of both parents, these payments shall be made to the mothers. And, when such children are not in the custody of both parents or of either parent, such payments shall be made to the guardians of such children.

The legislature of each state shall provide for the appointments of guardians of children not in the custody of either or both parents, and of children both of whose parents, or whose only parent, may be insane or confined by decree of court. In all of which cases the guardianship shall cease when the reason therefor ceases. The legislature shall also provide for the qualifications, duties and responsibilities of guardians.

The payments provided in this section shall not interfere with the payments from the Orphans' Trust Fund or the General Orphans' Fund.

SEC. 110. Each state shall pay to each female person

past the age of fifteen years residing in the state three-tenths jury pay, monthly.

SEC. 111. Each state shall pay to each male person residing in the state who, through old age or physical inability of any kind, is incapable of earning a comfortable living, so declared by the governing body of his home town or city, or such other board of inquiry as the legislature may provide, three-tenths jury pay.

SEC. 112. No money shall be paid out in pursuance of Sec. 109, 110 or 111 except to persons properly recorded with the county clerk as entitled to such pay.

SEC. 113. The United States shall carry on a trust and bonding business in which to bond public officials throughout the United States (town, city, county, state and national) at such rates as may be found necessary, and any official elected by the people or appointed by any of those elected by the people shall be bonded therein at the prevailing rates without further recommendation.

SEC. 114. Corporations shall be illegal throughout the United States.

SEC. 115. No franchise shall be granted by the United States or any state, county, city or town. Nor shall any franchise granted be valid after the adoption of this constitution.

SEC. 116. No person shall be a party to any contract or agreement of any kind whereby any money, or other form of benefit, is stipulated, agreed upon, or understood to be forthcoming, upon the death, sickness, accident, disability, old age, or any other form of physical misfortune of the person.

SEC. 117. All usual and necessary funeral expenses of persons dying in, or buried from, any town or city shall be borne by such town or city. And such expenses of all other burials shall be borne by the state.

SEC. 118. It is hereby declared by the people of the United States that no person can have a just title to ownership of land, or of any of the natural elements, nor to

human beings as slaves; and that the title of the community as a whole to the land on which we live is inalienable.

The land within the territorial limits of each town or city belongs to such town or city.

All other land within any state belongs to such state.

All other land within the territory of the United States belongs to the United States.

In no case can any of it be aliened or conveyed, but this shall not be construed as to prevent a town or city from extending its territorial limits.

Every town, city, state, and the United States, may lease its land, for a period not to exceed two years, in any case, and may give the last tenant, or his heirs or assigns, a 10 per cent preferential, or less, over all others.

SEC. 119. No tax shall ever be levied by any town, city, county, state or the United States, on any wealth or property.

Duties on imports or exports are, therefore, prohibited.

SEC. 120. No tax of any kind shall ever be levied on any business that the people may engage in, nor such business prohibited. But this shall not prohibit filing a complaint against a person for engaging in a business or traffic which is clearly an infringement of the rights of man.

SEC. 121. In case any town, city, state, or the United States, should not otherwise have sufficient revenue with which to meet the expenses involved in the execution of the provisions of this constitution, a tax sufficient therefor may be levied upon its leases of land, which must be a uniform percentage added to all payments on all leases alike; provided that the United States shall not levy such a tax which shall be of a greater percentage than is levied in like manner by some one of the states. And if the United States should then not have a sufficient revenue, it may levy a tax on each state in proportion to its population; but not otherwise.

SEC. 122. The Congress shall be a perpetual body, and always in session, except Sundays and holidays. Either

house may, however, adjourn for a period not to exceed three days at any one time, provided that the other house shall not be adjourned at the same time.

SEC. 123. A quorum in any legislative body shall consist of a majority of the members thereof, but a less number may adjourn from day to day.

SEC. 124. Either house of Congress may grant a vacation for a specified time to any member thereof, and both houses together may grant a vacation to the President when the welfare of the country will permit, or necessity may require.

But neither house shall grant vacations so as not to be able to have a quorum for the transaction of business.

SEC. 125. The Vice-President shall be President of the Senate, and the Senate shall elect its other officers, and when the Vice-President becomes President, its President also. The President of the Senate shall be the Vice-President of the United States.

SEC. 126. The House of Representatives shall elect all its own officers.

SEC. 127. Either house of Congress may compel the attendance of its own members and require them to vote.

SEC. 128. Whenever a vacancy occurs in the Senate it shall be filled by a representative to be chosen by election in the House of Representatives, and the number of representatives shall be diminished to that extent, but this shall not prolong or diminish the term of office of said representative. Nor shall any state have more than three representatives in the Senate at one time, nor more than two when there is any state without one representative in the Senate.

SEC. 129. Congress shall cause to be taken a complete and thorough census of the entire country in the year 1910, and every ten years thereafter.

SEC. 130. Congress shall have power at any time within two years after the taking of any census to determine how many representatives each state shall be entitled to, in proportion to its population, provided that the number

of Congressmen shall never be greater than at the time of the adoption of this constitution nor less than two-thirds of such number and any diminution in the size of Congress shall be wholly in the Senate until, and not after, the Senate is composed of as many senators as there are states.

SEC. 131. Each state legislature shall thereupon divide its state into congressional districts, in accordance therewith, but no county shall be partly in one district and partly in another with parts, or the whole, of two or more counties in the same district, and each county in a district shall be adjoining some other county in the same district where there are two or more counties in the same district.

SEC. 132. Each state may adopt a constitution of its own not in conflict with any of the provisions of this constitution.

SEC. 133. In every legislative or governing body consisting of two branches each branch shall concur with the other by a majority vote to constitute action of the body. In such bodies not consisting of two branches a majority vote shall constitute action of the body.

Each such body may adopt its own parliamentary rules provided that such rules of each legislature are in harmony with those of Congress, and that such rules of such bodies within a state are in harmony with such rules of the legislature of the same state.

In case of appointments by such bodies they shall not require the approval of any person not a member of such body to be effective.

SEC. 134. Congress may legislate in harmony with this constitution only.

SEC. 135. A bill may be introduced in either house of Congress by a member thereof. If it receives the affirmative vote of a majority of those present and voting, with a quorum voting, it shall go to the other house of Congress and be considered with all due promptness. If it there receive the affirmative vote of a majority of those present and voting, with a quorum voting, it shall go to the Presi-

dent for his approval or disapproval, which the President must endorse on the bill within ten days. If the President approve the bill it shall then be law. If he disapproves it, he shall return it to the house in which it originated with his recommendations. If the bill be there voted on again, without change therein, and receive the affirmative votes of two-thirds of the members present and voting, with a quorum voting, it shall go to the other house of Congress and be considered with all due promptness. If it there receive the affirmative votes of two-thirds of the members present and voting, with a quorum voting, it shall be law.

If a bill be amended after receiving the disapproval of the President it shall be treated as a new bill.

If a bill be amended after going from one house to the other, it shall receive the concurrence of both houses in the amendments before going to the President.

SEC. 136. Any legislation not in harmony with this constitution, by whatsoever authority, anywhere within the United States, shall be absolutely void, any provisions herein to the contrary notwithstanding.

SEC. 137. When a vacancy in any office is filled it shall be for the remainder of the unexpired term only.

SEC. 138. The qualifications of voters throughout the United States shall remain for two years as at the time of the adoption of this constitution with the proviso that all voters registering after the adoption of this constitution shall be required to certify that they have read and fully understand this constitution in order to be eligible as voters.

The legislature of each state may provide for the qualifications to be required of voters therein, not to take effect until two years after the adoption of this constitution; but the same must be uniform for all elections.

SEC. 139. National elections shall be held the first Tuesday of November, every fourth year, beginning the year before that in which the current term of office of the President expires.

SEC. 140. The President's term of office shall be four years, beginning and ending at noon on the fourth day of March.

SEC. 141. The term of office of a representative shall be six years, beginning and ending at noon on the fourth day of March; provided, that within six months after the adoption of this constitution all the representatives shall be divided by lot into three classes. The term of office of the first class shall be two years, the term of office of the second class shall be four years, and the term of office of the third class shall be six years.

SEC. 142. State elections shall be held every two years on the first Tuesday of November, every alternate state election being in the same year as a national election, for Governor and legislators.

SEC. 143. The term of office of Governor shall be two years, but the term of office of a legislator shall be six years; provided, that within three months after the adoption of this constitution the most numerous branch of each state legislature shall divide its members by lot into three classes; the term of office of the first class shall be two years, the term of office of the second class shall be four years, and the term of office of the third class shall be six years. And this section shall be carried into effect notwithstanding it may interfere with some legislators serving out the term for which they were elected.

SEC. 144. Whenever a vacancy occurs in the least numerous branch of the state legislature it shall be filled by a legislator of the most numerous branch of the legislature, to be chosen by election in the most numerous branch of the legislature, and the number of legislators of the most numerous branch shall be diminished to that extent, but this shall not increase or diminish the term of office of said legislator. But a vacancy in the least numerous branch shall never be filled if, by so doing, the number of members in the least numerous branch would be more than half the number of members in the most numerous branch.

SEC. 145. Representatives in Congress shall be elected at state elections.

In event of vacancy in the office of a representative in Congress it shall be filled by appointment by the legislature until noon of the fourth day of March next after the next state election. But at the next state election after such vacancy occurring, if it occurs before the ballots for the next state election are printed (which ballots must not be printed more than a reasonable time before such state election), a representative shall be elected to fill the office for the remainder of the unexpired term; beginning on the fourth day of March following as aforesaid.

SEC. 146. The legislature of each state shall be a perpetual body, and always in session with the exception of Sundays and holidays.

SEC. 147. Each branch of the legislature may grant vacations to its own members provided there shall always be a quorum in attendance for the transaction of business.

SEC. 148. In any election for any office the person receiving the highest number of votes for such office shall be elected. And in case two or more receive an equal number of votes it shall be determined by lot which one shall serve.

SEC. 149. Each town and city shall have a mayor whose term of office shall be two years. And this rule shall apply even though it interfere with some serving out the term for which they were elected.

SEC. 150. Each town and city shall hold a city election every two years on the first Tuesday of November, which shall not be the years in which state elections are held.

SEC. 151. Each town and city may adopt a constitution of its own not in conflict with any of the provisions of this constitution, or of the constitution of the state in which it is.

SEC. 152. Each town and city may provide in its constitution for the election of all such officers as serve only

in such town or city who would otherwise be selected in a different manner.

SEC. 153. The President shall be entitled to a cabinet, the same as he was entitled to at the time of the adoption of this constitution.

SEC. 154. Each Governor shall be entitled to the services of an Attorney-General the same as he was at the time of the adoption of this constitution, as adviser. But the legislature may determine the compensation to be paid him.

SEC. 155. Each legislative or governing body, and each branch thereof when such body is composed of more than one branch, shall keep a journal of its proceedings, and from time to time publish the same, or such part thereof, as is ordered published by a one-third vote. And the yeas and nays of the members of such body, or such branch therof, on any question shall, at the desire of one-fifth of those present, being more than fifteen present, or at the desire of one-third, being fifteen or less present, be entered on the journal.

SEC. 156. No member of any legislative body shall, for any speech or debate therein, be questioned in any other place.

SEC. 157. No person shall hold any two or more offices at the same time, except as otherwise herein provided.

SEC. 158. Congress shall have power to legislate in regard to the naturalization of aliens, which legislation shall be uniform in its effect throughout the United States.

SEC. 159. Congress shall have power to coin money, and regulate the value thereof, exclusively, and fix the standard of weights and measures.

SEC. 160. Congress shall have power to provide for and maintain an efficient secret service.

SEC. 161. Congress shall have power to declare war and regulate the conduct thereof. But one-third of the House of Representatives may order an immediate election by the people to determine whether or not such war is justifiable.

And a majority of the votes cast at such election shall be sufficient, but not necessary, to prohibit or stop such war.

SEC. 162. Congress shall have power to exercise exclusive legislation, not in conflict with this constitution, in all cases whatsoever, over the District of Columbia, which shall be the seat of the federal government, and to exercise like authority over all places acquired by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 163. No preference shall be given by any regulation of commerce to the ports of one state over those of another; nor shall vessels bound to, or from, one state be obliged to enter or clear in another.

SEC. 164. No money shall be drawn from any public treasury, but in consequence of appropriations made in a proper and public manner; and regular statements of accounts of receipts and disbursements of every public treasury shall be published from time to time.

SEC. 165. No person shall without the consent of Congress, or the legislature of his home state, accept of any present, emolument, office, title, or anything in lieu thereof, from any king, prince, or foreign state, or from any town, city, county, state, or the United States, except as herein provided for.

SEC. 166. No state, county, city or town shall enter into any treaty, alliance or confederation, or adopt any constitution or laws in conflict with any national legislation which is not in conflict with any of the provisions of this constitution.

SEC. 167. The President shall be Commander-in-Chief of the army and navy of the United States, and of the

militia of the several states when called into actual service of the United States.

SEC. 168. The Governor of each state shall be Commander-in-Chief of the militia of his state when not called into the actual service of the United States.

SEC. 169. The President may dismiss any of his cabinet, except the Postmaster-General, who shall be under the direction and supervision of Congress, at will and appoint a successor. But such cabinet officers, other than the Postmaster-General, shall only be advisers to the President.

SEC. 170. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls and all other officers not otherwise provided for; but the Congress may by law vest the appointment of such inferior officers as it has provided offices for in the President alone, where the pay of such officers is not more than double jury pay.

SEC. 171. The President shall from time to time, at least once a year, give to Congress, in a public message, information of the state of the country, and recommend for consideration such measures as he shall judge necessary and expedient.

SEC. 172. Each state shall establish a supreme court in which there shall, during the first two years after the adoption of this constitution, be at least three persons who have served at least one year as judge prior to the adoption of this constitution, and in which there shall, after the expiration of such two years, be at least three persons or as many as possible who have served at least one year as adviser without a vote of censure from any jury.

Such supreme court shall not consist of more than thirteen persons, and only persons with the qualifications before mentioned shall be eligible thereto.

Such supreme court shall determine the constitutional-

ity, as soon as possible, of all decisions which may be appealed to it within the state, and such supreme court shall be always in session except on Sundays and holidays.

SEC. 173. Congress shall establish a United States Supreme Court in which there shall, during the first two years after the adoption of this constitution, be at least three persons who have served at least five years as a federal court judge or justice of the United States Supreme Court, and in which there shall, after the expiration of said two years, be at least three persons, no two of whom shall be from the same state, who have served at least one year as adviser without a vote of censure from any jury.

Such United States supreme court shall not consist of more than thirteen persons and only persons with the qualifications before mentioned shall be eligible thereto.

Such United States Supreme Court shall be always in session, except Sundays and holidays, and, in addition to other duties prescribed by Congress, it shall be the duty of said court to determine as soon as possible the constitutionality of decisions of state supreme courts which may be appealed to it.

SEC. 174. Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the Congress may by law prescribe the manner in which such acts, records and proceedings shall be proved.

SEC. 175. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

SEC. 176. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states without the consent of all states concerned.

No new territory shall be acquired by the United States without the consent of the people of such territory, and no

argument or consideration whatever shall suffice to justify any evasion of this provision of the constitution.

SEC. 177. The United States shall guarantee to every state in this union the protection of this constitution, and shall protect each of them against invasion, and in case such protection be absolutely needed, against domestic violence.

SEC. 178. All debts and obligations contracted before the adoption of this constitution shall be as valid as if they had been contracted after its adoption. But Congress may enact a bankruptcy law whereby to absolve insolvent debtors upon applying all of their resources thereto.

SEC. 179. Any town, city, county, state, or the United States, may buy the stock, or any part thereof, not less than half, of any corporation in the United States, existing at the time of the adoption of this constitution, and thereafter shall own whatever belonged to such corporation at the time of the adoption of this constitution. No corporation can own anything after the adoption of this constitution. But any town, city, county, state, or the United States, buying one-half or more of the stock of any corporation must hold itself in readiness to buy the remainder of the stock of such corporation at the average price paid for such as has already been bought. Common stock and preferred stock in such cases shall be treated alike. And in buying such stock, an effort shall be made to allow only so much to be paid for all the stock in the aggregate as shall not exceed the amount of actual cash investment represented by such stock. But in buying corporation stock, bonds may be given in payment. No other bonds issued after the adoption of this constitution shall ever be legal in the United States.

SEC. 180. No soldier shall, in time of peace, be quartered in any house without the consent of the holder thereof, nor in time of war, but in a manner to be prescribed by law.

SEC. 181. The right of the people to be secure in their

persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

SEC. 182. Private property shall not be taken for public use without just compensation. And thus only in cases of great urgency.

SEC. 183. Both plaintiffs and defendants shall have compulsory process for obtaining witnesses subject to the regulations and restrictions of the legislature as to those within the state and of the Congress as to those out of the state.

SEC. 184. Each town and city may, notwithstanding the other provisions of this constitution, provide for and maintain petit courts, amenable only to the governing body of such town or city, and from which appeals can only be taken thereto, with jurisdiction only over such civil controversies as do not exceed the amount of two months' jury pay.

SEC. 185. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment of any kind inflicted.

SEC. 186. No legislation of any town, city, county, state, or the United States, shall ever be valid until one week after it has been published in full in one or more regularly published newspapers within its respective jurisdiction.

SEC. 187. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

SEC. 188. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

SEC. 189. Congress shall have the power to determine conditions under which, and means by which, release from all marital obligations may be had but not to prohibit divorces under other conditions than those named.

Divorce is hereby defined to be a termination of the civil contract which constitutes marriage.

SEC. 190. Each state legislature shall have power to determine conditions under which and means by which, release can be had within such state from all marital obligations but not to prohibit divorces under other conditions than those named.

SEC. 191. Each city and town may determine conditions under which, and means by which, release can be had therein from all marital obligations but not to prohibit divorces under conditions different from those named.

SEC. 192. All Sundays shall be observed as holidays as far as possible throughout the United States.

SEC. 193. The first day of each year and the fourth day of each July shall be holidays throughout the United States.

SEC. 194. Congress may name such days as to it may seem proper as holidays to be observed throughout the United States.

SEC. 195. Each legislature may name holidays to be observed as such throughout the state.

SEC. 196. The President shall have absolute power to grant such pardons as to him may seem proper, except in cases of impeachment.

SEC. 197. The governor of each state shall have absolute power to grant such pardons within his state as to him may seem proper, except in cases of impeachment.

SEC. 198. The House of Representatives shall have the sole power of impeachment of the President or any member of Congress or any federal officer or official. But the President or the Senate may recommend impeachment by the House of Representatives.

SEC. 199. The Senate shall have the sole power of trying all impeachments by the House of Representatives and two-thirds of all the senators present must agree upon the verdict and sentence to sustain such impeachment.

SEC. 200. Where any legislative or governing body

consists of two branches, the lower shall have the sole right of impeachment and the upper the sole right of trying such impeachment and where it consists of but one branch it shall have the sole right of impeachment and the trial thereof. The executive officer of any town, city or state may recommend to his respective legislative or governing body that it take action in impeachment and, where such body consists of two branches, the upper branch may also so recommend to the lower branch such action. In regard to distinctively county officers not paid or elected by a town or city, impeachment lies with the state. In all cases of impeachment it shall require two-thirds of the triers to sustain the impeachment.

SEC. 201. Judgments in cases of impeachments shall not extend further than to removal from office and disability to hold office in the future.

SEC. 202. Any person may have any one he desires to represent him in court as an attorney but no person shall act as an attorney for pay, or other gain in lieu thereof, except such as have qualified therefor in accordance with the requirements provided for by the state legislature.

SEC. 203. Every defendant shall be entitled to the services of such attorney as he may engage at the expense of the town or city in which his case is tried but the jury before which his case is tried shall determine the compensation to be allowed such attorney, which shall not exceed in any event four times jury pay for each day such attorney appears in court on said case.

SEC. 204. No proprietary remedies shall ever be sold in any town or city without having had the sanction of the governing body of such town or city unless it has been endorsed by the state or the United States, and then only for such purposes so sanctioned or endorsed.

SEC. 205. Without special permit from the President only persons of the caucasian race shall be admitted into the territory of the United States provided no person within the United States at the time of the adoption of this

constitution shall be excluded. But every mongolian entitled to remain in the country shall, within the period of sixty days after the adoption of this constitution, cause himself to be registered by the county clerk of the county in which he lives and receive a certificate of such registry. Such registry, and certificate thereof, shall include the name, age, size, weight and description of such mongolian, as well as his place of residence, and the number and date of registration. He shall cause every change of address to be recorded with the county clerk and, when he removes from one county to another, such registration shall be recorded, together with the number and date of the original registration, with the clerk of the county to which he removes.

All mongolians in the United States not so registered after sixty days from the adoption of this constitution shall be deported by the United States to some port in China or, if not admitted there, to some port without the United States.

SEC. 206. In towns having a population of less than one thousand inhabitants members of the governing body shall receive as compensation not less than jury pay nor more than double that amount.

Such body shall always be in session.

The mayor shall receive not less than double jury pay nor more than three times jury pay.

In such towns no officer or employee, other than the mayor, shall receive more than double jury pay.

SEC. 207. In towns and cities having a population of from one to ten thousand inhabitants each member of the governing body shall receive not less than double jury pay nor more than four times jury pay.

Such body shall always be in session.

The mayor shall receive not less than double jury pay nor more than six times jury pay.

No officer or employee, other than the mayor, shall receive more than four times jury pay.

SEC. 208. In cities having a population of from ten to fifty thousand inhabitants each member of the governing body shall receive not less than three times nor more than six times jury pay.

Such body shall always be in session.

The mayor shall receive not less than three times jury pay nor more than seven times jury pay.

No officer or employee, other than the mayor and members of the governing body, shall receive more than five times jury pay.

SEC. 209. In cities having a population of from fifty thousand to two hundred thousand inhabitants each member of the governing body shall receive not less than four times nor more than seven times jury pay.

Such body shall always be in session.

The mayor shall receive not less than five nor more than eight times jury pay.

No officer or employee, other than the mayor and members of the governing body, shall receive more than six times jury pay.

SEC. 210. In cities having a population of more than two hundred thousand inhabitants each member of the governing body shall receive not less than five times nor more than nine times jury pay.

Such body shall always be in session.

The mayor shall receive not less than six nor more than ten times jury pay.

No officer or employee, other than the mayor and members of the governing body, shall receive more than seven times jury pay.

SEC. 211. In towns and cities, whose governing body is composed of more than one branch, members of different branches need not be paid alike but members of the same branch must be paid alike.

SEC. 212. No town or city, county, state, or the United States, shall engage any unnecessary employees, except as otherwise herein provided, nor pay to any officer or em-

ployee any more than is necessary in order to get efficient service.

But any county or state may employ farm hands or laborers, or other workmen on public works or improvements, at not to exceed one and a half times jury pay and must so employ all who apply for such work at not less than two-thirds jury pay on unleased land only and, in the case of farm hands, sell the product of such labor for the highest price to be had, which price must all go into the treasury of such county or state.

SEC. 213. In no case shall more than eight hours labor be required to constitute a day's work, but a less amount may be established as a maximum.

SEC. 214. The state legislature shall determine the compensation of county officers not paid by any town or city which shall be paid out of the state treasury, where such expense does not properly fall upon a town or city. The county treasury shall be merely a county fund of the state treasury, out of which fund county expenses shall be paid when it is ample therefor.

SEC. 215. The compensation of advisers, court clerks and chiefs of police shall be determined and paid by the towns and cities in which they are located provided that in no case shall the compensation of any of them be less than two times nor more than six times jury pay; except in towns of less than one thousand inhabitants, in which case it may be less than double jury pay but not less than jury pay.

SEC. 216. Members of the most numerous branch of the state legislature shall receive five times jury pay and members of the least numerous branch seven times jury pay.

The governor shall receive ten times jury pay.

SEC. 217. Justices of the supreme court of a state shall receive seven times jury pay.

SEC. 218. Members of the House of Representatives

shall receive ten times jury pay and senators and cabinet officers shall receive twenty times jury pay.

Ambassadors shall not receive more than senators but may be allowed expenses of maintenance of embassies and traveling expenses.

Ministers shall not receive more than representatives but may be allowed expenses of maintenance of legations and traveling expenses.

Consuls shall not be allowed more than five times jury pay but may be allowed expenses of maintenance of consulates and traveling expenses.

Justices of the United States supreme court shall receive the same pay as senators.

Congress shall fix the pay of all other officers and employees of the United States, except the President, which in no case shall exceed the compensation of representatives.

The President's salary shall be fifty times jury pay.

SEC. 219. No officer or employee of any town, city, county, state, or the United States, drawing jury pay or more shall have any other source of income whatsoever while drawing such pay and, if any such person there be, it shall be the duty of any one having knowledge, or reasonable suspicion, thereof to file a complaint against such person therefor.

SEC. 220. For the adoption of any town or city constitution the following rules shall govern:

The town or city shall be divided into as many districts as may be necessary. In each district a convention shall be held to which each person in the district who would be entitled to vote at the time of the convention shall be a delegate. Such convention shall select as many delegates, according to the number of eligible delegates, as may be hereinafter determined, to the town or city convention and may instruct such delegates to the town or city convention to insist on certain provisions to be embodied in

the constitution unless voted down in the town or city convention by a three-fourths vote. In a town or city convention the yeas and nays shall be recorded and published upon request of one-fifth of the delegates.

The town or city convention shall cause to be drawn up a constitution for the town or city. If there are any conflicting provisions therein which can not be made to harmonize with one another in accordance with the foregoing a majority shall determine which of such conflicting provisions shall be stricken out; but no delegate shall vote to strike out a provision he was instructed to insist upon. The town or city convention shall then publish such constitution and cause it to be submitted to a vote of the people for ratification or rejection as soon as possible, or by such time as a majority of the district conventions may have directed; and for this purpose may order a special election. At such election two-thirds of the votes cast shall be necessary for ratification.

In towns of less than one thousand inhabitants the town convention shall consist, as nearly as possible, of ten delegates.

In towns or cities of from one thousand to ten thousand inhabitants the town or city convention shall consist, as nearly as possible, of twenty delegates.

In cities of from ten to fifty thousand inhabitants the city convention shall consist, as nearly as possible, of thirty-five delegates.

In cities of from fifty thousand to two hundred thousand inhabitants the city convention shall consist, as nearly as possible, of fifty delegates.

In cities of more than two hundred thousand inhabitants the city convention shall consist, as nearly as possible, of seventy-five delegates.

The delegates to said town or city convention may serve for honor only or for such amount as shall not be more than the average of the amounts of compensation recom-

mended by the various district conventions of such town or city.

SEC. 221. No law shall ever be enacted within the United States which shall embody more than one single subject; provided, this shall not be construed to prevent the adoption of an entire code at one time each section of which treats only of a single subject.

SEC. 222. No law shall ever be effective within the United States for a longer period of time than five years without re-enactment nor for a longer period of time than five years after the day of its last re-enactment.

SEC. 223. A majority of the voters of the United States having voted in favor of the adoption of this constitution shall be sufficient to put it in force on and after the fifth day of March next following the election at which such voting was done.

SEC. 224. Congress by a two-thirds vote, with the approval of the President, or by a three-fourths vote without such approval, may adopt amendments to this constitution provisionally which shall take effect as part of this constitution at noon on the fourth day of March next after having been ratified by three-fourths of the states or by a majority of the voters at a national election. And a special election may be had for such ratification, or for any other purpose, if so ordered by a three-fourths vote of the Congress and approved by the President.

SEC. 225. In order to perpetuate this constitution, a majority of the voters must vote in favor of its continuation for another four years at each regular national election.

## CHAPTER V.

### EXPLANATIONS OF THE ANARCHIST CONSTITUTION.

SECTION 1. Anarchists are opposed to law but only in a relative, not absolute, sense. Originally the name anarchists was applied only to those who were opposed to government by means of the old archives handed down from ancestors, which were most fiendish, but this was only another way of saying that they were opposed to law, for these archives constituted the law, as they do in great part to this day throughout the United States as well as Europe.

Anarchists are not opposed to ALL law. They would substitute in-so-far as possible the moral law (standing for justice in all the word implies) for the statute and common law (standing for evasion of the moral law and oppression in all that *such* implies, justified only by compliance with the letter of the statute, presumption and technicalities).

It is sometimes asked, then, wherein they differ from the other political parties, for anarchists *are* a political sect, which profess to desire such changes in the law as the public welfare may require. All other politicians (for anarchists *are* politicians, too, in the word's broadest sense) simply believe in making such individual amendments to the law as the masses may tacitly consent to or expressly demand.

Anarchists recognize that any number of the smartest and most honest men who ever lived, having arbitrary power to make their will law by a mere wave of the hand and all working in harmony, could not frame all the amendments which would be necessary to approximate justice IN A CENTURY. They, therefore, demand, first, as the only practicable and honest way of advancing toward a just state of society the absolute abolition of

all pre-existing law and then the adoption of such few and simple rules of action (call them law—it is not the word l-a-w that anarchists dislike—regulations or whatever you like) for the regulation of social intercourse or relations as the public welfare and justice may require.

SEC. 2 *et seq.* Anarchists would advance social conditions with as little disturbance of society as possible, though they would not tolerate the present injustice and oppression merely from reluctance to disturb society as it exists. Therefore the present social structure and as large a part of the present constitution as possible are used in this new proposed constitution as far as may be without materially interfering with a proper foundation for society to rest upon.

SEC. 7. We have no right or justice in our claim to sovereignty over "our newly acquired possessions" as it is not based upon "consent of the governed." But, even if we had, we have all we can possibly accomplish to save ourselves first before undertaking to save the rest of the world and, while it is every man's duty to save others from injustice and oppression, it is not our duty to save people from themselves before we save ourselves when it would clearly be impossible to save either ourselves or them if we undertook to do both at the same time, and especially when we are in greater danger ourselves than are they.

SEC. 9. Detectives may, and probably will, be necessary for a few years on account of the few degenerated and vicious characters that our abnormal and unjust social conditions have developed in some few—very few—to such extreme depravity that they may be, perhaps are, beyond redemption. A hospital would be a more humane receptacle for such than a prison but we shall be perfectly satisfied to leave the decisions of such facts to juries,—that is, *bona fide* juries.

SEC. 15. It is absolutely absurd to leave the distribution of wealth to those whose welfare and, generally speaking, very life depend upon their ability (inclination, too,

as a matter of course) to rob the people as successfully as their "competitors." Robbery is justifiable when driven to it by necessity and every merchant and business man is generally driven to it by necessity but it is none the less robbery for all that. True, robbery is not justifiable when indiscriminate and is of greater extent than is necessary. But the indiscriminate robbery of the people by merchants is necessary to a great extent. Section 15 of the Anarchist Constitution simply says that every person shall have the opportunity to buy from an honest merchant.

SEC. 16. There are many other lines of business besides mere distribution of wealth which every town should immediately carry on for the benefit of the people, and which can not properly be carried on otherwise, and this should be done in all lines of industry eventually but they cannot all be taken up FIRST. It is merely a matter of determining, the best way it can be, which most *urgently* comes first.

SEC. 17. There are some lines of industry too much of a local character to be carried on by the national government and not of a sufficiently local character to be carried on by a town or city. Such, for instance, as transportation about San Francisco Bay or on the Hudson River and telephone communication of a few scattered towns in a county that would otherwise be unconnected. Also some lines of manufacturing should be carried on by the state, or possibly by a county.

SEC. 20. The United States should carry on all such lines of business that the entire nation as a whole would be benefited thereby, as well as some others, like coast navigation and inland transportation not of a local character.

SEC. 26. It is not the idea to keep the country prepared for war which is almost certain, with our strength, we could never be involved in without looking for it. But there may be a bare possibility—we are willing to concede this much temporarily to the old order of things—that we

MIGHT be unjustly attacked from without and a navy, unlike an army, can not be manufactured over night.

SEC. 27. There is no POSSIBLE use for maintaining an army ready to fight and we concede for the present that it may be safest to have a well trained nucleus of an army which could be turned into military instructors in a possible emergency.

SEC. 29. There is no danger of compulsory service for four months in the militia becoming onerous under the provisions of this constitution, as compulsory military service has in all other countries where it has been in force, as all would be required to serve alike and there could be no officers of more than four months' service to substitute despotism for discipline. And it would have this advantage that no one class would be better versed in military tactics and organization than another and, in case of necessity, all the male population of the entire nation could be turned into a fairly well disciplined army in a day.

SEC. 30. There is no justice in authorizing the taxation of the entire nation almost at will by one man merely because he was the *first* man to "perfect" an idea or present new thoughts. We would have steamboats just the same today if Newton had never lived. If he had not "perfected" his steamboat on the Hudson River a century ago some one else would, and if Col. Colt had not "invented" the revolver some one else would. If I had not presented anarchy (pardon my modesty) in as concise a form as this some one else would very soon. And the whole people are entitled to such products because every one of them, not the result of accidents (accidents happen with but little regard for patent laws) is the result of the growth and exchange of the ideas of all.

SEC. 33. The greatest protection that thieves and rascals of all kinds have enjoyed in all countries and in all ages has been the definition, or rather so-called definition, of crimes with a prescribed penalty and this is not lessened to any considerable extent by qualifying the penalty to

be not less than nor more than such and such in the discretion of the judge. This definition of crime and stipulation of the penalty has been the most potent single thing handed down to us from the old archives of our ancestors in making jury trial an absolute farce. It is so manifestly impossible to define beforehand in statute books all the infinite number of combinations of circumstances that do or may constitute an infringement on the rights of man that, if we did not know it to be true, it would be incredible to a man of average intelligence and sense of justice that we have for untold ages, and still do, attempt to define all the infinite combinations of circumstances that are wrong and say that nothing else shall be punished as such. Its only result is, in effect, the naming of certain easy conditions that the law says must be complied with. As a natural consequence only those who disregard those certain easy conditions or are unaware of them (which latter is the case with most men) can possibly be punished. Those who know the certain easy conditions and comply with them can, and do, infringe upon the rights of their fellow men (and women more especially) at will. They are our prominent citizens. Their victims are the dogs of society. Every man knows when he does another a deliberate wrong and for such he should be held accountable whether or not the circumstances have happened to come within some statute. And, on the other hand, the most innocent acts of life come within some statute or other in their consequences and make us criminals under the law. True, there must be a criminal intent but this intent is presumed in law and the burden of proof lies with the defendant to prove there was no such intent. And lack of intent can only be proved in certain ways that the average man knows nothing of by legal evidence, regardless of other evidence, and the jury can only judge of the fact by such **LEGAL** evidence and the law as it is handed out to them by the judge regardless of whether or not the law is just under the circumstances. And the

jury must render a verdict, too, without even knowing what the sentence of the judge will be! All law of this character anarchists are opposed to on principle and the respectable criminals protected by it from the just punishment of their infamy are heartily in favor of it.

SEC. 35. Most people seem to think anarchists are opposed to such things as courts; though why it is hard to say unless it is because they are opposed to such courts as we have heretofore known and the further reason that in a state of *absolute* anarchy there probably would be none. It can only be said to those who believe anarchists to be opposed to courts regardless of their nature that they are ignorant of the fundamental principles of anarchy. It is true that anarchists are opposed to such courts as exist at the present time because they are ALL courts of injustice, not courts of justice, though sometimes they may HAPPEN to deal out justice if the side of justice happens to win the legal battle therein waged and the punishment prescribed by law HAPPENS to be a just one under the circumstances. But anarchists are not opposed to courts that shall honestly endeavor to deal out justice according to the circumstances instead of according to the archives.

SEC. 36. The idea of this section is that the legislature will establish in each town and city as many departments as may be necessary to give prompt justice to all and dissolve them as strife becomes less and the departments become unnecessary. It is impossible to lay down hard and fast rules for establishing such courts and dispensing with them again as they become unnecessary. It might be left without great danger to the welfare of society to each town and city to dissolve such departments but one department clerk is needed, even after all departments of the county court are dissolved therein, in every town and city of any size. It has, therefore, been left to the legislature to regulate the establishment and dissolution of courts on the assumption that under anarchy the legislature would be responsive to public opinion, as it has never

been before. And it is thought that, as the town or city is most directly concerned and bears all the expense, that the legislature would act promptly upon the recommendations of such town or city. And in towns desiring a department clerk and not a court the court and clerk could be provided for and the court immediately thereafter dissolved upon recommendation of the town.

SEC. 37. The appointment of advisers by the governor is merely for simplicity and of no great danger to the community because as soon as three juries register a vote of censure against him he can be tried and removed by a subsequent jury. And while three juries may seem an arbitrary number to require censure from before removal by a subsequent one it is only to guard against hasty removal based upon a single recommendation or decision not properly understood. It may seem that the number should be greater in large cities where the adviser presides at many trials than in small towns where there are but few but in large cities the adviser can not be in such close touch with the community at large as in small towns and it is, therefore, more urgent to guard well against bias on the part of the adviser.

SEC. 38. Civil and criminal cases should differ only in the punishment. The jury, with the advice and information allowable from an experienced adviser, is the best judge obtainable as to whether or not the infringement of right is of a criminal nature. That is, assuming the jury to be honestly selected as it must be under this constitution.

Justice should be free to all. Under the present system our so-called justice is so expensive a luxury that it is well within the reach of J. Pierpont Morgan and Mr. Rockefeller and well beyond the reach of any poor man.

If the first and second of the bail-board favor a reasonable amount of bail, say \$100 and \$200 respectively, and the third or third and fourth favor \$1,000,000 it will not take the first and second long to agree to a com-

promise of say \$150 and if the two agree on \$150 and two \$1,000,000, either is a proper amount of bail and if the sheriff then refuse to accept \$150 as bail when tendered he will be subject to action by the defendant for refusing a proper amount of bail.

Of course the duties of some officers provided for in this constitution are too great to all be attended to in person. But such is the case under the present system and it works no inconvenience as a proper number of assistants may be had. For instance, it would be an impossibility for the county clerk in San Francisco to perform alone all the duties imposed upon him but that is not expected, nor would it be under the Anarchist Constitution.

To-day extradition *must* be granted by one state to another and, therefore, the present red tape of a formal demand is unnecessary.

SEC. 39. Delays should not be granted, as at present, to secure a biased court or jury.

SEC. 40. The adviser is not compelled to grant one unreasonably long postponement nor is he obliged to grant postponements subsequent to the first, even by mutual consent of the parties, to the interference of the business of the court, except in his discretion he may in the interests of justice.

SEC. 41. But if the bail-board delay justice without good and sufficient cause they, or any of them, will be subject to complaint therefor at the instance of the injured party, within a reasonable time.

SEC. 42. Defendants should not be required to defend a sudden and surprising complaint without proper opportunity to prepare for defense.

SEC. 44. Courts should not be burdened with mere trifles of so little consequence as to be a forgotten incident in a week. Nor should they be burdened with such trifles as any one man is good enough to determine.

AT PRESENT A MAN WHO IS UNABLE TO GET WORK and forced to lay around in idleness—there are none such when in good health, from choice, at the beginning of such a life—is haled before some petty “judge,” with an exaggerated idea of the cringing worship due him, on a charge of “vagrancy” and it is woe to such a man who demands a jury trial and it is woe to him any way if the “judge” is not favorably impressed with his appearance or “address” or worshipful deference. But the most disgusting sight in connection with our government is a helpless woman who has been driven into prostitution to get the few dollars necessary for her existence brought into court “for revenue only” on a charge of vagrancy that we may take those few dearly bought dollars away from her as a Shylock would take the pound of flesh that he imagines legal technicalities will entitle him to. It is no rare thing. It is the EVERY DAY robbery by our government in every city of our land. Even as I write the foregoing sentence a new case of the same old kind is reported to me. The helpless woman had but fifty cents that they could bleed her out of and that was not enough. Her bail was set at only fifty dollars, and she languished for eight hours in a cell—a hell hole—and the supreme autocrat called “judge,” whose children do not have to live by such means, was indignant because her bail—we’ll call it bail though it seems more like tribute for release from persecution as it is rare indeed that such money ever gets back to its owner—was reduced to ten dollars.

Anarchists would certainly wipe out of the English language the word “vagrancy,” handed down to us from the archives, and meaning vagueness or indefiniteness, and applied only to those against whom nothing could be alleged but whom it was desired to punish (or bleed, as in the case of prostitutes) on general principles—or out of spite. I defy any man to define vagrant so as not to include those whom he will admit are not vagrants in a legal sense.

SEC. 45. The number of twelve to constitute a jury is

an arbitrary one and only taken because it has been customary and is just as good as any other number, all things considered. While anarchists object to being governed, or judged, by any one man they do not ask for any more to sit in judgment on them than are supposed in theory of law to sit in judgment of a man's actions to-day.

Anarchists do not fear the judgment of women, who are just as honest in their judgments as men, any more than that of men; and women who are competent to judge of public policies should be just as competent to judge of private or individual actions. And they can afford to give such service to the community nearly as well as men.

All jurors should be in full mental vigor and therefore the age limits (with all due apology to the old folks).

Brother or sister of the half-blood would, I should think be brother or sister.

A juror's statement, while conclusive of such relationship, will not relieve him from liability to prosecution for material perjury.

A juror excused for ineligibility to serve on a particular case shall serve on the next jury for which he is eligible. No person shall shirk his just share of jury duty if it can be prevented and none shall be skipped in order to reach a biased juror.

SEC. 46. Where a jury can only be judge of a bare fact, often admitted by the defendant, and where the jury can only have such evidence upon which to base its judgment as the judge will allow and where, after all the farce is completed, the judge may set the verdict of the jury aside upon giving the excuse that it is not in accordance with that part of the law he has handed out to them in his "instructions" and the evidence he has allowed to be submitted, can any honest man uphold our present system of jurisprudence? That is, can any honest man not be an anarchist?

SEC. 47. Is there any sound reason why one biased juror, or only stubborn if you please, should be able to

prevent any decision of the court? Over a century ago Blackstone said it was only because it had been so with former generations.

SEC. 52. There is no possible excuse for the brutality and indecency of the average police officer. I do not belittle the exceptional policeman who shows some courtesy and consideration for, and respect towards, the person arrested. I only state, what I know to be true, that such policemen are rare, though there *may be* a few. There is no occasion to overawe or attempt to overawe the person arrested and courtesy is not incompatible with firmness.

Regarding vote of censure against adviser, see note Sec. 37.

SEC. 53. The salaries of government officials should be no more arbitrary than necessary and, therefore, some standard or unit, based upon the average earnings of the people, should be the basis for calculating them. Every juror should consider himself bound in honor to make an honest statement of his earnings and when such statement is palpably dishonest any person having knowledge thereof should feel in duty bound to file a complaint for such perjury.

SEC. 54. No person at the age of ten years can appreciate right and wrong to such an extent as to be properly held to be a menace to society and a great wrong committed at such age is either without sufficient criminal intent or the result of lack of proper education, in which latter case society has only itself to blame. In England children of this tender age have been judicially burned at the stake, or hung.

SEC. 60. The matter of new trials, based upon equity, is one that will bear great thought and study; which, apparently, it has never received.

SEC. 69. In case of sentence agreed to by seven only of the jurors, and not endorsed by the adviser, the justice of such sentence is so dubious that the benefit of any possi-

ble doubt should be given the defendant by those requested to sign his petition for new trial.

SEC. 74. We still have the whipping post for “vagrants” (when they can not be bled for money) in Delaware, to our national disgrace.

SEC. 78. Justice absolutely demands some protection, which does not now exist to speak of, against being involved in defense of prosecution or other litigation which is, in fact, only persecution.

SEC. 79. Requiring a person to call upon God for help to tell the truth, whether the person believes in the existence of a God or not, is an insult to the person which no community should ever stoop to indulge in; and only a relic of superstition.

SEC. 85. How any self-respecting community can place the age of consent at twelve years—the common law age of consent—is beyond comprehension.

While it may not, and in my opinion is not, proper or advisable for a girl to get married as soon as she has reached the age of consent, she unquestionably has the **RIGHT** to get married before an older age has been reached. Certainly she has the right to get married, without anybody's consent, as soon as a proper age of consent has been reached; or, in other words, as soon as she has the right to become pregnant, or when another has the right to make her so, she has a **RIGHT**, inherent and inalienable, to be married.

SEC. 86. Our present marriage and divorce laws are simply fiendish. “It is the Law,” by Chas. Sheldon, is the title of a book on this subject which is recommended as a fair synopsis of them.

SEC. 87. A marriage between brother and sister of the half blood, between cousins, between uncle and niece or between aunt and nephew, as well as between ancestor and posterity, should certainly be deemed incestuous.

SEC. 88. The male should in such case be at least as

guilty as the female but the youth of the male should also be considered.

SEC. 89. Can any one, anarchist or partisan of the archives, maintain that it is not fiendish to attaint for life at birth a poor innocent little baby with the opprobrious epithet of "bastard?" An anarchist maintains that the mere existence and appearance before one's eyes, alone, is absolute and incontrovertible PROOF of the innocence and legitimacy of a baby, who could not do an illegitimate act under any circumstances.

SEC. 90. A marriage is a mere civil contract. Our law of to-day recognizes it as such, but, with that beautiful and regardless inconsistency which so permeates our law and jurisprudence, does not recognize its obligations as the obligations of a mere civil contract, which may be terminated by the mutual consent of all parties in interest. The reason for this was probably in ancient ages based upon religious superstition and, barring such religious superstition which exists to a frightful extent to this day, the only reason given now for prohibiting the abrogation of the marriage contract by consent of all parties in interest is that children who, by reason of their tender age, are parties in interest and unable to give an intelligent consent would be robbed of their parentage. This seems about as absurd as most of the excuses for our judicial monstrosities. In the first place, it does not permit a termination of the contract by mutual consent of all parties in interest where such considerations could not possibly apply. In the second place, it does not apply with an very great degree of force even where there are children who can not give an intelligent consent. Can any person maintain that a child is better off in a home—usually more of a hell than a home—where the parents can no longer live together in love and harmony than it would be living with only one of the parents living amidst surroundings of greater harmony? The divorces in the United States during the past twenty years number 380,000, not one

of which, in theory of law, could be granted where there was any collusion, or mutual consent of the parties in interest; to say nothing of the cases of worse than divorce where such an expensive luxury could not be afforded. It is doubtful if there would be so many under anarchy. The separations in colonies of anarchists have never been so great in proportion to the number of people and there no children have been raised in homes (that are hell) where the parents could not live together in love and harmony and that despite the fact that only poor people have ever lived in colonies of anarchists.

While a marriage contract would be provable without anything in writing, the only safe and proper way would be to have it recorded.

SEC. 94. Of course if the mother subscribed to the record of birth naming a father of the child who was not the father she would be liable and it would in no way bind the alleged father, but if he did not promptly proceed against the mother and all others willfully parties to the false record, as soon as possible after knowledge thereof came to him it would weigh materially against him. And if the clerk or any one else strongly suspected the record to be false in such respect the alleged father should be at once notified.

Birth records should be watched closely and all births should be recorded even though the child be still-born, if after seven months.

SEC. 96. It is most important that all deaths should be properly recorded.

SEC. 98. If my property goes to my wife upon my death, which it certainly should do, there is no good reason why it should go to a subsequent husband of hers upon her death and the good of the community absolutely requires that the accumulation of vast fortunes in the hands of a few individuals who did nothing to produce them, or even if they did contribute to some slight extent in producing them, like J. Pierpont Morgan, Andrew Carnegie

and William Waldorf Astor, and other enemies of society, should be prevented.

SEC. 99. The orphans of a deceased person leaving an estate have no use for a considerable amount thereof to spend all at one time nor any legitimate use for more than half jury pay until of age. There is no reason why any able man should be kept in idleness all his life simply because some of his ancestors earned or stole (which ever you please) more than they had occasion to consume or spend after properly providing for themselves, and their children until they reach the age of manhood. And certainly all other orphans have a right to life, which necessarily carries with it a right to be supported until they are competent to support themselves.

SEC. 100. And when a man dies leaving no surviving wife or children certainly the orphans of the county, who contributed materially to the society which enabled him to create his estate, have as much right to his estate as a distant relative, who probably contributed practically nothing thereto, and a great deal more claim to consideration.

The payments from the General Orphans' Fund should be great enough to prevent surplus because this money goes into such fund only for the purpose of distribution and not for the purpose of accumulation.

SEC. 102. Many corporations to-day have this socialistic system of medical attention in force for their employees, and it works to the benefit of corporations, employees and physicians alike. The physician's only interest is to benefit and cure his patients, and not to keep them sick, as is generally the case at present. The physician gets a fair and just compensation for his labor without spending half his time in a vain endeavor to collect bills and his patients get honest treatment to the best of the physician's ability, paying all that such service costs and no more. True, some people contribute to the pay of the physician without ever requiring a physician's services,

but they are the fortunate ones as are those who insure their homes against fire without ever being burned out.

SEC. 106. Every town and city ought to employ as many dentists as necessary to provide, free of cost, proper care for the teeth of all inhabitants, but as this is not quite so important as medical attention it is not made obligatory.

SEC. 107. This does not prohibit experienced persons from giving such advice, care and attention as they can, but they must not make it their business as do many so-called doctors to-day who have never had a proper training therefor, nor even a diploma, and who escape the law prohibiting such practice on mere technicalities. Rogues and rascals who infringe upon the rights of their fellow men and depend upon the technicalities of the law to protect them from just and well merited punishment will not be so smart when they go into an anarchist court as they are to-day when they go into a court of "justice" and play the martyr.

SEC. 108. While I cannot believe in any religion or God, however much I might wish to, certainly those who do believe in any religion, whatever it may be, are free from any blame therefor, as a person's belief cannot be voluntary. As to honestly teaching any belief in good faith, it is nothing more nor less than expressing one's opinions; provided, of course, it is not expressing the opinions of others for pay or other consideration. It is not our right to express our opinions and other people's duty to hear them, but our duty to express our opinions and other people's right to hear them. And our *right* to hear other people's *honest* opinions is infringed upon when those other people undertake to represent to us, as *their* opinions, what a third party would like to have represented to us as their opinions. If the Pope of Rome has a hireling priest represent to me as the *Priest's* opinions what are only the Pope's opinions, and the priest represents to me for the pay or bribe that the Pope will cause to be paid to the priest, as his own opinion, not what is really the priest's

own opinion, but only what the Pope wishes me to believe is the priest's own opinion I am deceived and robbed of my right to hear *honest* opinions. And this robbery or infringement of my right is not lessened by the fact that this opinion that I get as the *priest's* opinion is really the *honest* opinion of the Pope nor by the additional fact that the Pope's opinion *may* be based upon sound sense and reason unless the Pope has a monopoly of sound sense and reason.

What has here been said applies equally to all other religious organizations, but the catholic church has only been cited because it is the most powerful organization on the face of the earth, and therefore the most baneful. I have no more animosity towards the catholic church than any other. All churches are organized for the sole purpose of teaching, especially to women and children, what I look upon as superstition calculated only to dwarf and enslave the intellect. And my opinion in this respect is not modified in the least by the fact that, in all ages of which we have any records, and among all peoples, knaves have been able to teach superstition to the gawkies for the purpose of dwarfing and enslaving the intellect nor by the further fact that they also do a little good on the side to ward off criticism so that if they are censured they can noisily advertise that fact and point to a hospital here or a mission of mercy, so-called (I prefer to call it justice) and ask: "Would you stop such work?" I say no. We would not stop such work. We would only separate it from the bad work to which knaves have always attached it.

There is only one thing that I, as an atheist, hold against the partisans of religious organizations (I hold nothing against those who hold an honest belief in religion). That is, while I recognize the *right*, and even *duty*, of every one of them to promulgate his opinions so long as he does not receive pay from others therefor, they try to cast obloquy upon atheists for exercising that same right and duty. Atheists would deserve the opprobrium

of others if they taught atheism without believing in it *for the purpose of gain*.

As to the teaching of religious beliefs, not for the purpose of gain, clearly a material infringement of the rights of man, it is well nigh impossible that parents could be guilty in this respect towards their children and, therefore, no restrictions should be placed upon the teaching of religious belief by parents to their children. And, by others than parents, when not for pay, restrictions should apply only to such teachings as are extremely gross and immoral; as, for instance, teaching a girl that it is a religious duty to submit to shameful and unmentionable things.

SEC. 109. Children should not be expected to starve merely because their parents are unable (or unwilling if you please) to properly provide for them. If they have a right to live they have a right to what is necessary in order to live until they are able to provide such things for themselves.

The payments by the state to children should be made to the mother rather than to the father, where there is any choice, because it is not right that the mother, who is the natural buyer for the child, should be required by the state to beg of the father for such allowances as may be necessary.

SEC. 110. Barbarians, it is said, make their women do the work and let the men simply do the hunting and fighting. I doubt this, and I have dwelt among them to some extent, but, granting it is true, and granting this to be the standard by which to measure the barbarism of a people, are we not the most barbarous people of any age in recorded history? Go through any city in the United States and behold our barbarism on all sides. In all the large stores, in all the offices, in nearly all the mills (behold the cotton, woolen and silk mills of New England and the Middle and Southern states) and factories—women, children and women everywhere. Nor do we even draw the

line at manual labor in the field, for no one has ever traveled through any considerable part of New England, the middle or even the Southern (where idle niggers are always plentiful) states without beholding the disgraceful sight of women in the broiling sun of mid-day laboring for a pittance of next to nothing side by side with men, hoeing potatoes, harvesting hay or picking hops or cotton for a crust of bread! Such a sight to an anarchist is like a red flag in a bull's face and sometimes (unfortunately) drives him to desperation as does the cloak of a matador a bull in a bull-fight. Was not the act of Czolgosz desperation pure and simple? It was unfortunate, perhaps; though McKinley was a bad President. Desperation is almost invariably folly where cool, calculating and determined fighting is required. But anarchists, like others, sometimes lack the self-control of a trained fighter. Nevertheless it is the system they fight; not the individuals who execute it.

SEC. 111. Each state should have a board of inquiry in each town or city, composed of men of the greatest integrity, to determine in the first instance what men are unable to earn a comfortable living. For incapable men, like children, are as much entitled as a matter of right to that which is necessary to life as they are to life itself. The judgment of such board, or of the governing body of the town or city if there be no such board, would not be final for any applicant unjustly treated at their hands could, of course, file a complaint against any member of the board for voting against his just claim, and have it determined by a jury. And if the members of the board refused to acquaint him with the names of those at whose hands he received injustice he could file a complaint against any so refusing, for robbing him of his right of opportunity to have the matter finally adjudicated. And, on the other hand, if the board allowed those not entitled to it to be classed by them as entitled to the pay of an incapable they would be infringing upon the rights of the

community. If the state did not deem it proper or advisable to establish such boards each town or city could establish one of its own.

SEC. 114. Corporations are based upon fiction. Fiction is repugnant to truth and justice. Whatever is repugnant to truth and justice is repugnant to anarchy.

The existence of but one corporation in the country (that is a private one, or one for profit) however small it might be to-day, if never interfered with, would eventually in future ages inevitably lead to absolute slavery.

Justice Field in his oration delivered at the centennial celebration of the Supreme Court of the United States in New York, in 1890, stated that four-fifths of the wealth of the country was then held by corporations. Corporations were then comparatively insignificant when they only owned four-fifths of all the wealth.

It is easier to fight slavery before being enslaved than afterwards.

SEC. 115. A franchise is an exclusive right, special privilege—favoritism. If all men's rights are equal how can franchises be defended from any standpoint? I maintain that all men's rights are equal, and that no man can be robbed of his right though he may be robbed of his power to exercise his rights.

SEC. 116. As all of these contingencies are provided against under the Anarchist Constitution, swindling, or an attempt to acquire wealth which one has not produced, could be the only motive for such contracts. Of course such contracts are to-day a necessity, and under the present system, such restrictions would be fiendish. This restriction does not prevent insurance against loss of property by fire or other catastrophe, though such insurance ought to be carried only by the state or nation.

SEC. 117. Deceased persons are buried, not for the benefit of such persons nor for the benefit of their immediate family or relatives, but for the benefit of the commu-

nity at large. Therefore, the community at large should bear the burden thereof.

SEC. 118. The value of land is created by the growth of the community roundabout and belongs inalienably to the community. No one man alone can give any value to land, and therefore, should not be permitted to appropriate to his own use that value. How much value could any land have with only one man in the vicinity, let him be a man of such genius as no living man ever had before? How did any man ever acquire an honest title to land? By investing his capital in it, some say, and no one ever attempts to give any other excuse for his laying claim to title in land. That might give him title to something in which private property might be had, such as the product of labor, provided he bought it from some one who could convey an *honest* title. But if he did not buy it from some one who could convey an honest title, no honest title can vest and, therefore, he cannot convey an honest title to a subsequent purchaser. The case was about the same with the slaves in this country less than half a century ago, and the only argument ever used in support of the private ownership (not private possession, as no one objects to that) of land was used with equal force in support of the ownership of slaves. Do we advocate the confiscation of land? Confiscation NOTHING! We advocate taking our *own* land only, and do not advocate confiscating anything whatsoever that does not belong to us. Did Abraham Lincoln (a fair patcher, but a poor tailor) and his abolitionist friends advocate confiscation of the slaves, as the Southern slave "owners" termed it? No, they advocated no confiscation but merely liberation of those who had a RIGHT to be liberated, even though some poor widow (as the wails of lawful thieves are generally handed out to us) lost all her "property"—a \$1,200 slave or two. And then to show they had a little horse sense and didn't worry themselves at night over the plaintive wails of those

who lost what they never owned they adopted the fourteenth amendment to the United States constitution, in part as follows:

“The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, OR ANY CLAIM FOR THE LOSS OR EMANCIPATION OF ANY SLAVE; but all such debts, obligations and claims shall be illegal and void.”

Now, as an honest title cannot be derived (or bought) from a dishonest claim to a title, and the present claim of title to land can be no better than the preceding ones which alone were conveyed, if the original title was no title at all, but only a dishonest claim to one, the present claim to title can be no better than the original one. Suppose that fifty years ago the legislature of California, being composed of adventurers who came west in quest of gold, and found it more easily acquired in the halls of the state capitol than in the mountains, had ceded or “granted” to John Doe all the springs, streams, lakes, etc., from which drinking water could ever be obtained (or all but one little inaccessible spring off up in the mountains somewhere) to have and to hold for himself, his heirs and assigns forever, and it was handed out to the people that such cession or grant was necessary “to encourage capital” to handle the people’s water supply (capital doesn’t often require much encouragement to handle what the people cannot get along without) and John Doe held every man, woman and child in California who ever wanted to drink water in bondage, taxing them as much in the way of tribute for the privilege of drinking (he held the franchise) as his own sweet will might dictate while he lived on the fat of the land in idleness leaving only to the peo-

ple who drink water a bare subsistence out of the untold wealth they produce. And John Doe, the original grantee of the state's water supply, died and little John, or "young John" as he is now called, feels that he is not getting quite enough of the state's enormous production of wealth, and he squeezes you and me (provided we ever want to drink water) still harder than his father ever did before him until, however much wealth we produce for him, neither you nor I can take a wife and have more than a crust of bread to sustain her life, in addition to sustaining our own lives. John can keep her as a concubine (provided she ever wants to drink water) and thousands more with her without them being any burden on him. Would we (you and I) say John has title to all the sources of water supply and we cannot confiscate his "property?" No (not I), we (or, at least, I) would say water, like land, is a natural element the title to which vests in the community as a whole and is inalienable. Representatives of the people are not the people (Abraham Lincoln's opinion to the contrary, notwithstanding), but only agents, and the agency is limited. They can only do as agents such acts as come within the agency. An agent of a man holding what is known to the common law (that is the old English archives) as an estate tail (life interest only in land) could not convey an estate in fee simple (that is absolute title in perpetuity). So, even if all the people of fifty years ago had EXPRESSLY authorized the legislature to cede or grant a title in perpetuity to all the sources of water supply (or land either), or any part of the same, to John Doe they could not even then convey an honest title in perpetuity; or even one to be valid or binding in justice, law or morality after the next birth within the state. For each generation has only a life interest in the natural elements and any title to land or water, or any of the natural elements, or any part of the same, to have any color of validity would have to be given and re-given by express authorization by ALL the people born since the last previous

conveyance at intervals so frequent as to be almost incessant. Imagine, if you can, one generation to die all at one time and be succeeded by a new generation just springing into being. Could the dying generation (by express authorization of every one of them if you please) say that some particular individual, John Doe for instance, of the new generation should have "title" to, and "property" in all, or any part, of the natural elements, which no man or any class of men, nor even all men, have created, and that the said John Doe should have the RIGHT to levy tribute on all the rest of the new generation for the use of such natural elements?

Some people say it is a matter of little consequence as but few people wish to till the soil. I say it is a matter of vital consequence to the welfare of society, and the individual members of society as well, that the community take ITS (not the landlords') land. It is not farm land in particular that is referred to, but ALL land. Every human being must use land in order to live, just as much as water. I am using land as I write this book, and pay tribute (and plenty of it) for the land over which I sit. If that tribute went to the community as a whole it would then cease to be tribute but merely the price to the community for the special privilege to monopolize the use of it. If the actual *bona fide* owner of the land (the community) grants me such privilege to monopolize the use of it for a consideration, such consideration is only a price, and if the consideration is no more nor no less than others are willing to give for the same privilege, only a fair price. But when a usurper who doesn't own the land any more than I do bleeds me for the value of such special privilege to use the land, and takes from me for HIS OWN use the value of such privilege it then becomes tribute pure and simple, the same as Algiers used to levy upon American and other commerce about a century ago for the privilege of being allowed to use the Mediterranean Sea until our Commodore Decatur went over there and licked the right

to levy tribute (or sea rent) out of them. Though now a century old, we haven't forgotten our national motto: "Millions for defense, but not one cent for tribute."

It should be clear to the least thoughtful that the natural elements belong to each succeeding generation for life only, and that the title of the community thereto is inalienable. The use, too, which can neither enhance nor deprecate them, goes with the title for life only, and belongs, just as inalienably, to the community as a whole. But if there be any who still have any doubts on this subject he should read Henry George's "Progress and Poverty."

SEC. 119. Duties are a mere barrier to the economic production and distribution of wealth, and why a barrier should be placed by ourselves between us and what we want as though we might get too much of what we want is an absurdity I never could understand. But if it is desired to keep foreign produced wealth out of our reach for fear it might hurt us this purpose would be just as well served by simply saying that foreign cargoes must sail one hundred and one times around the world before entering the country, or prohibiting importation altogether. Then we could have the pleasure, if pleasure it be, of producing ourselves what we need of everything we need, as it was said in the first chapter of this book was the custom with John Doe.

SEC. 121. As none of the people can get away from the necessity of using land as long as they remain on earth, and all the land belongs to the community, there is no limit to the taxing powers of the community under the provisions of this section. The only proper way of leasing the community's land is to the highest bidder with a slight preference given to the last tenant to avoid the necessity of frequent and unpleasant changes. I should think it would be highly improper and beneath the impartiality and dignity becoming to a state to lease the land out by means of SECRET bids, but this is properly a matter

of local regulation. In case of a change of tenants the new tenant should also be required to buy, and pay a fair price for, all fixed improvements that do not belong to the community. But the regulation of such matters is also properly a local one.

If the community carries on any very great volume of business it could, with a less percentage of profit than the people are now burdened with, have ample revenue without any taxation on leases. Or if it prefers to get its revenue, or make good any deficit therein, by taxation on leases the saving to the people by an opportunity to buy what they want without profit would be greater than such taxation could amount to.

SEC. 122. There is no reason why we should leave the management of our national affairs entirely in the hands of any one man any part of the time when we well know it is not safe to do it all the time.

SEC. 125. When the Vice-President becomes President, the President of the Senate, elected by the Senate, becomes Vice-President of the United States, *ex-officio*, for the remainder of the unexpired term.

SEC. 128. The only material advantage of having Congress divided into two branches is to have one house a training school for the other, which other is, of course, expected to be composed only of more experienced men. The present plan of having the terms of only one-third the senators expire at a time would, of course, be continued as applying to Congress as a whole.

SEC. 133. That is to say an appointment by the legislature need not be approved by the Governor, as in the case of a bill.

SEC. 135. Practically the same as at present, though the President must approve or disapprove a bill. He can not treat it with silent contempt and let it become law in such shameful or neglectful manner.

SEC. 142. And, as elsewhere provided, the term of office of a representative is not prolonged by being ad-

vanced to a seat in the senate for a part of his term. The only objection there might be to this system is almost too slight to be mentioned and greatly overbalanced by the advantages. It is that a considerable majority in the lower house favoring a particular policy might elect to the senate only those favoring such policy and turn a minority in the upper house into a majority there as well. But unless the minority in the upper house was almost equal to a majority, and the majority in the lower house a big one such a policy would wipe out the majority in the lower house; or, if not quite, the next election, within two years, should if the policy of the majority did not meet with the approval of the people. No system that we, in our present stage of intellectual development, can devise can be absolutely perfect, but the weakness in this respect is not great. And the advance of a generation or two in intellectual development under anarchy would be so great that any possible weakness in this or other respect would then be easily remedied.

I should think it ought to be the unwritten law of Congress, when a vacancy occurs in the senate, to elect as senator a representative who has previously served in the senate, if any such there be, before considering the election of any other. But this is a matter for Congress.

SEC. 148. And it shall not require a majority of all votes cast.

SEC. 159. And exclusive power to coin money and regulate its value carries with it power to regulate matters pertaining to circulating medium of exchange in general. The medium of exchange need not be gold and silver. It may be either or both, or neither. It may be a given amount of liquefied air or a promise written on paper to supply at a given place or places a stated amount of unskilled labor or a stated amount of railroad or other transportation. Or it may be merely chunks of alloy metal made by a secret or difficult process which only the federal government is able to produce. Whatever it is,

so far as we are able to judge from present conditions, it ought not to be changed often, but I believe there are many things that would be better than gold or silver. However, it is not a matter of greatest importance and we should bear in mind that money in our social relations is only what chips are in a game of poker—mere counters. Not wealth, which it represents.

SEC. 169. The Postmaster General should not properly be a cabinet officer, but a business manager answerable directly to Congress and to Congress only, or else to Congress through the President, with the President, in such cases, acting in the capacity of a general manager for Congress, having supervision over such business managers in the first instance, but not ultimately. He (the Postmaster General) is left in the cabinet merely from reluctance to make *unnecessary* changes.

SEC. 171. Some people profess to wonder why it was McKinley that Czolgosz shot. I do not excuse the act. I admit it was probably wrong, and such acts are a mistaken policy, I think. It was the desperate act of a man who lacked the knowledge necessary for a proper method of fighting for the rights of man, but who was determined to fight nevertheless. But if a man who knows not how to fight in a proper and effective way for the liberation of his enslaved fellow beings determines to kill (anarchists as such, don't kill people any more than Christians or Republicans), such as may be most responsible and blameworthy for the enslaving conditions that exist, what is more natural than that the President should be considered as such? Undoubtedly Czolgosz considered that McKinley, more than any other one man, was most responsible and blameworthy for the systemized robbery which makes it impossible for 75 per cent of the men under the age of twenty-five years, and perhaps the majority of all men, to marry and lead a moral life. To this extent I agree with him. Some people say to me: "Don't you know that the President of our country, unlike kings, has very little

power, and is unable to change matters?" I say if I don't know just the contrary I ought to. The veto power is not the only, nor the greatest power that the President can and does wield. Political "influence"—a most powerful factor—and the office of Commander in Chief of the army and navy laid aside, and ignored, the single prerogative and duty of sending to Congress once a year what is termed the President's "message," in which he gives information of the state of affairs in general and recommends to the consideration of the Congress such measures as should be considered, is alone greater than the veto power. It is his duty to make a close study of economics and general conditions, and, even if he is held to be too busy a man—which is not the case—to make a thorough study of such subjects, or an officer of too exalted a dignity to consider the misfortunes of the victims of our social injustice, the least thoughtful could not be blind to the causes of the frightful poverty and consequent misery, crime and degradation of the people. A President can not get to be President without being made acquainted with the system by means of which the very life blood is drawn from the people. A study of Blackstone alone will reveal it to the densest intellect, and every lawyer has had to make such a study. A single message from a single President would, if an honest and fearless attempt were made therein to face conditions as they exist, cause such a public commotion and universal demand that Congress would be compelled to take radical action. The President, more than any other one man (barring J. Pierpont Morgan) in the country, could accomplish such results as would reduce the present robbery of the many poor by the few very rich at least by half. And it is his duty more than that of any other one man in the country (not barring anybody this time).

But again, I repeat, and would like to have it well understood as my firm conviction, that, aside from the right and wrong of the thing, I, as well as nearly all other an-

archists, am strongly opposed to the murder of Presidents (and other despots) as a means of obtaining justice. If a dozen successive Presidents were murdered in a single day a thousand would be ready to take the office the next day, and Wall street would name every last one of them!

SEC. 172. That is, two years after the adoption of this constitution, and permanently thereafter, no person can ever serve in a supreme court who has not served as adviser at least one year without a vote of censure, if there are enough such to draw upon. Could any recommendation be better?

SEC. 173. The same applies to the United States supreme court justices, and this does not interfere with the provision regarding officers serving out the term for which they were elected as supreme court justices, have no term of office and are not elected by the people—perhaps not an important requisite in the century before the last when our present constitution was adopted, nor would it be under the Anarchist Constitution, after the end of two years, for the qualification then is a better recommendation than an election.

SEC. 176. We want no territory added to the United States like the Philippines were.

SEC. 177. It is the duty of each state to attend to its own trifling affairs. The present system of calling on the federal troops for the suppression of a little strike is uncalled for.

SEC. 179. In regard to getting rid of our obnoxious corporations, the same old howl about “confiscation” is invariably handed out to us. Once more it should be firmly reiterated that in the Anarchist Constitution there is no such thing known as confiscation. It is, and always has been, the arbitrary power (I do not say right, though it is known to the law as such) of governments to recognize or not to recognize such claims of ownership of property as might seem just or unjust, as the case may be, and that under such conditions as the people or their government

see fit to impose. Anarchists neither undertake to enlarge nor diminish this arbitrary power (or right, if you call it such) of government, nor do they even so much as recommend that this power be taken advantage of to the detriment of those who own stock in corporations or any property in any other form. They only say that such property shall not be held in such a manner as to be detrimental to the welfare of society, as it always is when in the form of corporation stock. They say that the owners of such property may either sell it to the government or dissolve their corporation and divide up the property among the owners thereof. Their corporation will be dissolved any way by the adoption of this constitution, but this is no assumption of power not before possessed, as every state retains the power to dissolve all corporations it has created. There is no more confiscation about this than there is in taking part of a farm, even though the farmhouse must be demolished or removed, for a railroad, and paying therefor such value as it may be appraised at; which Mr. J. Pierpont Morgan thinks as justifiable as do I the dissolution of all corporations.

SEC. 182. Clearly against any confiscation, is it not? Of course, land is not property, and can not be any more than air or water, being one of the natural elements, and just as devoid of any possibility of having any value attached to it. Any so-called value of land is clearly the value of its location only or the value of having a community in close proximity. The location of air may have the same value. Of course, improvements on land, being the product of labor, are property.

SEC. 184. But in the constitution of each town and city establishing petit courts great care should be taken to safeguard the interests of justice and proper provision made for appeals to the governing body.

SEC. 185. For instance, if a member of the bail board should, in a trifling case, endorse as his judgment of a proper amount of bail a very large sum, he would be sub-

ject to action by the party aggrieved. And, if any juror, in a trifling case, should vote for what is clearly and unquestionably a very great fine or very excessive punishment, he would likewise be subject to action. But no attorney should be permitted to harp on this in any attempt to menace the jury. In fact, it should not be permitted to be mentioned at all, as every juror should be familiar with the constitution, in which case it is not for an attorney to remind jurors of such liability.

SEC. 186. It is not sufficient to merely publish the ostensible object of the legislation. The people are entitled to the full text without its being hidden away in law books where they never will see it. We do not want an infinite amount of legislation that a Philadelphia lawyer could not wade through in a life time. We only want just as much as is absolutely necessary, *and no more*. Such amount can easily be published in full text in every newspaper throughout the land and never take up as much space in any paper as an ordinary department store now has for an every-day advertisement.

SECS. 189-191. "Release from all marital obligations" and "divorce" are synonymous.

SEC. 192. Sunday is named as the day for a weekly holiday merely because such is already the prevailing custom.

SEC. 196. Conferring power of pardon is not for the sake of favoring certain high officials or giving them undue power, though it may seem to some to have such appearance. It is the source of some injustice, I admit, but the benefit should outweigh the evil under the Anarchist Constitution; though I do not think such has been the case heretofore. The object of the pardoning power is to grant speedy relief where a man has been convicted, but it subsequently becomes clearly evident he was unjustly convicted, or future events bring forth evidence which shows he could not have been guilty. In such cases, and they are numerous, it may be an easy matter to satisfy a single man and

still be a difficult matter to obtain a new and speedy trial.

SEC. 198. And of course this includes power to impeach a justice of the United States supreme court. Nor would the supreme court be able to pass judgment on the case on appeal, as Congress is above the supreme court in all things except interpretation of legislation, and the judgments of the senate on impeachments are final.

SEC. 201. But this is only the judgment on impeachment. Of course an impeachment shall not take the place of a trial of a complaint against the person impeached. Impeachment is an extrajudicial affair and in no way connected with the trial of a complaint to which all persons alike are liable.

SEC. 203. Justice should be free to the individual at the expense of the community which he helps to support and which holds him to account for his actions. In criminal cases especially our present system is most fiendish. A man, more often innocent than guilty, is charged with having committed some crime. The state pays an attorney for the sole purpose of endeavoring to convict every man accused. If he did not exert his best energies to this end his pay would soon cease. If a multi-millionaire (or even a cheap John hundred thousand dollar fellow) is accused the prosecuting attorney is outclassed by an array of legal talent—the best criminal lawyers the world can produce—that simply makes him quake at the knees. His battle is lost before it is begun. But behold the poor man who has some enemy who charges him with crime. Or perhaps it may be only some ambitious officer anxious for promotion who makes the accusation because he can't find any one else to accuse, and knows that policemen are paid to round up people for accusation and wouldn't get paid for it long if they never found any one to accuse. The defendant can employ no attorney that is worth his salt, or perhaps none at all. In the latter case the "court" assigns him some law student just admitted to the bar who has never had a case. Or, at best—yes, I say at best—in a

case of great prominence the court assigns some “talent” of distinction—for the sake of appearance—who knows that in an assigned case court etiquette and proper courtesy to the little tin god called “judge” require him to make no defense; as in the case of Czolgosz, the most disgraceful desertion of a client (from a legal standpoint) in the history of American jurisprudence. In any case a poor man without “influence” or “political pull” is up against it and invariably railroaded through. Here is where the prosecuting attorney shines in all his glory to make up for when he was outclassed by the invincible array of legal talent in the case of the rich defendant. With diabolical zeal he sets to work to win back his laurels and the defendant knows as much about the procedure, and understands it as well, as did a defendant when trials were all carried on in Latin; as was the case formerly under the old archives of England. One thing he does know. He got the worst of it, though he doesn’t know how, **AND BLAMES IT ONTO THE POOR JURY**, never suspecting that, under the present system, trial by jury has been made as much of a farce as our present “elections.” And much less suspecting that the jury had to render a verdict in accordance, not with the law and the evidence, but in accordance with that part of the law handed out to the jury by the judge as the law applicable to the case. There is such an infinite amount of law that no living man could know what the law is. How then could the jury—common jurors—render a verdict in accordance with the law? They must give their verdict on that part of it that the judge hands out to them. And the judge can find law to hand out on either side of any possible case; on which a verdict must be given pretty much as he wants it if he is at all interested. Was there ever a case that the lawyers on both sides could not quote law in support of their contentions? If a lawyer on either side of any case can quote law, in support of his contention, can not the judge do likewise? The defendant thinks that **IN HIS**

PARTICULAR CASE he was unfairly treated, little dreaming that every case is a particular case and, in the case of a poor man, a particular case of just about the same kind. It's useless for him to make any complaint. No one will listen to him, for was he not convicted by "a jury of his peers"? And, while every man after the particular case strikes him thinks it is an outrage, and wonders why people tolerate such outrage, before that time he has troubles of his own when some one else is the victim.

I say a man is entitled to FREE justice (which involves *first-class* legal services in his defense at least equal to the talent opposed to him), as much as to free police protection. And every attorney should be expected to take every case of such kind which comes to him, if possible, as much as a physician medical cases.

SEC. 204. There are proprietary remedies, no doubt, which are a blessing to humanity, but I believe there are a great many more that are poisons in disguise and a curse to humanity. And the people who have occasion to buy such remedies can not tell the one from the other. People are as much entitled to protection against poison in the guise of medicine as against poisoned food, and the community should stamp its approval or disapproval on every medical concoction designed for indiscriminate sale. The town or city where it is put up should investigate it and approve or disapprove of it. The state and nation should do likewise upon request.

SEC. 205. This section is not for the purpose of denying to others the same improved social conditions we desire for ourselves, but is merely a NECESSARY precaution against possible miscarriage of the reforms which are of vital consequence to us. Future generations will probably remove the restrictions, somewhat arbitrary, but necessary in this generation.

SEC. 212. This does not prohibit the employment of such as are necessary to carry on any business undertaken

but only superfluous officers or employes or those not superfluous at more than a fair remuneration for services.

The second paragraph is, I think, wholly unnecessary and a mere overabundance of caution. If, however, there should be any difficulty for a man to get an opportunity to labor otherwise under anarchy, this provision would certainly insure him in any event an opportunity to labor for from one-third less than to one-half more than jury pay. But the object is not to force people to farm work upon state farms, but only to provide opportunity for them to work thereon when they have not other opportunities which they prefer, and, therefore, the state government should not be allowed by the people to refuse to lease its tillable soil to the highest bidders for the use of the same.

SEC. 213. This applies equally to public and private work. This regulation is necessary principally because, even with our present development of co-operative production on a large scale, a man must generally work the same hours as do his fellow men, or have but very few lines of industry open to him. Would a mill or factory running ten hours a day want to be bothered with a man, such as an engineer or machine tender for instance, who could or would work only a less number of hours? Eight hours a day is long enough for any man to work and, in my opinion, at least twice as long as there is any necessity for men to work. It is my firm conviction that under a socialistic form of government, which will follow—but can not precede—anarchy as naturally as a duck follows its nose to water, all able men (no women or children) working two or three hours a day would produce more than is produced at the present time and all would receive, approximately, their just share of the wealth produced—not a thousand dollars a day to one man who produces nothing and one or two dollars a day to the man who produces from ten to fifty.

SEC. 222. The first sentence on the first page of the

first book of the first great American lawyer's "Commentaries" (Kent) is as follows:

"When the United States ceased to be a part of the British empire and assumed the character of an independent nation, they became subject to that system of rules which reason, morality *and custom* had established among the civilized nations of Europe as their public law."

The very essence of anarchy is rebellion against being governed, not by reason, but by the laws and customs of our ancient ancestors.

Though the country is young compared with the one whose laws have been saddled upon us, we have an infinity of statutes in force on our statute books to-day that no sane man would vote to re-enact. I shall only here cite the law of the United States regarding that arm of defense known as the "militia of the United States," which was enacted on the 8th day of May, 1792, and amended the 2d day of March, 1803, which is now the law of the United States and which will show how ridiculous it is to allow law once enacted to be forever in force, though sometimes it is too serious to be ridiculous.

The following is the exact wording of our ancient law as it is solemnly reproduced in the latest copy of the Revised Statutes of the United States:

SECTION 1625. Every able-bodied male citizen of the respective states, resident therein, who is the age of eighteen years, and under the age of forty-five, shall be enrolled in the militia.

"SECTION 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may from time to time arrive at the age of eighteen years, or who being of the age of eighteen years and under the age of forty-five years, come to reside within his bounds.

"SECTION 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his en-

rollment, by a proper non-commissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled to attend a company, battalion or regimental muster, which is according to the laws of the state in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

“SECTION 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed when called out to exercise or into service, except that when called out on company days to exercise only, he may appear without a knapsack. And all arms, ammunition and accoutrements so provided and required shall be held exempted from all suits, distresses, executions or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.”

For the explanation of what a spontoon is, write to Theodore Roosevelt, Washington, D. C., as he is not only something of a military authority, but has sworn an oath to execute this law, which he could hardly do without understanding it.

SEC. 223. A majority of the people is sufficient to put into force a new social compact. While any number of people less than a majority ought not to impose upon the people a new social compact, the proportion of the people whose consent is to be requisite to put it in force must necessarily be arbitrary, whether it be 51 per cent or 99 per cent. Given the power to put it into force, it must necessarily depend wholly upon the inherent sense of jus-

tice in those who propose to exercise that power. It is different with a state which owes allegiance to a higher power—a nation—and is subject to the compact already in force in such nation, in which that compact must determine as to such state. So, too, with a town or city owing allegiance to a higher, or governing, power, or to a social compact to which the proposed local compact as to such town or city is tributary. But a nation owes no allegiance. It recognizes no higher power on earth or any allegiance to a compact which it wishes to repudiate. A former generation—of the century before the last—can not say to a distant successor that it must retain the compact of ancestors. It can not say to a generation to follow more than a century later either that 51 per cent, 66 per cent or 99 per cent of such future generation shall comply with particular requirements laid down by ancient generations in order to adopt a compact of its own. The very idea of anarchy is that the present generation is perfectly competent to legislate for itself. True, the old compact could provide on what conditions THAT compact could be patched. It could, and did, provide that the consent of three-fourths of the states (whether 1 per cent or 99 per cent of the people) should be the necessary requirement in order to amend the compact in accordance with THAT compact, or rather (more properly speaking), that amendment or patch to the old compact of thousands of ages ago. So, too, does the Anarchist Constitution provide that certain requirements shall be necessary for amendments thereto in accordance therewith. But there is no power on earth, nor any regulation, to say to us, we must comply with certain requirements to adopt a new compact if the old one is repudiated. Therefore, owing to the extreme urgency of the case and lack of any other guide, as well as to the fact that a majority of all the votes would be more than those cast for all other issues and political parties combined, the smallest proportion of the people compatible with justice and right has been named as the proportion whose consent

is necessary to put the new, the Anarchist, Constitution in force.

SEC. 225. "All men are created equal and endowed by their Creator with certain inalienable rights. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, and whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it."

Thus speaks the American Declaration of Independence, upon which our government is supposed (in theory) to be based. The most anarchistic statements I have ever made have been simple quotations from this same Declaration of Independence. I believe, as did my revolutionary ancestors, in the century before the last, that just powers of government can be acquired only from the consent of the governed. And, therefore, granting that the people of the United States gave their consent to the adoption of the United States Constitution a little over a century ago (which at best can only be said to have been done by agents and never ratified by the people), how can the present government of the present generation be justified in any way? If just powers of government can be acquired only by the consent of the governed and the present generation is governed by a government deriving its sole authority from a constitution the adoption of which may have been consented to by our ancestors (or their agents), how can the government of the present generation be justified when their consent has not been obtained? I have never had an opportunity to give or deny my consent to the government which denies me the right to be on earth without paying tribute for the privilege to some fortunate individual who claims to own the land. I was born in subjection to this government, and, without being asked for my consent, have been held in subjection to it all my life by organized violence unauthorized by the consent of the people.

Granting that our ancestors gave their consent to such

a government, which may have been less of an evil to them than the oppression and tyranny they had previously been subjected to and one that they were willing to submit to in their weakened condition after a long fight, as the less of two evils, that can no more justify the government of us of to-day than could the consent of George Washington's ancient ancestors justify England's oppressive government of George Washington and his associates.

If we must have a government of the present generation, let us at least have a government that the present generation, or at least some considerable portion of it, is willing to consent to.

But, in submitting this new proposed constitution for approval or rejection by the American people, I wish to call attention to the fact that partisans of the old archives always assert that anarchists prefer to use bullets rather than arguments.

It may be their honest opinion that such is the case, though it seems hardly credible.

Anarchists prefer arguments and reason above all other things, and I am, therefore, ready and willing, at all times, to meet all comers in debate on the Anarchist Constitution. I have never had the good fortune to meet a partisan of the old archives who is willing to debate with an anarchist, but if any such there be within the bounds of the United States I shall be happy to meet him on any platform. When called upon to take part in such debate, whenever or wherever it may be, I shall not be otherwise engaged.

I am well aware of the fact that this social compact is not perfect and I am well aware of the fact that, like John Doe's pants, it will wear out. It may wear out quicker than did that beautiful patch known as the United States Constitution of 1789. But, like pants, a new compact is better with a patch or two, than one that has been nothing but patches for thousands of ages. And, while it may be shown that it will wear a little hole in itself and need

a patch or two before many years roll by, my only contention is that, from every standpoint and consideration, and in every respect, it will be a better compact than the mass of patches we now have in lieu of compact. If I can not sustain this contention in the face of all who may attack it I shall acknowledge myself mistaken, though I admit that it can not at once cure all the defects of our abnormal and unjust social condition. But again, if I may repeat it, I assert my ability to show that, in any case and from any standpoint, it is far superior (though not perfect) to our present patched up social compact.

## CHAPTER VI.

### SIDE LIGHTS ON THE ARCHIVES,

OR

### THE BIRTH OF ANARCHY.

England was said to have a free constitution. England was said to have an unwritten constitution. If it were true, would it not have been precisely the very thing that the old anarchists of England clamored for? Of course it was not true, and of course England never had the semblance of a free constitution, and, I regret to say, we in America to-day are not much, though a little, better off in this respect than they were.

They were said to have an unwritten constitution, and it seems to have been taken for granted that it was true, merely because it was so easy to say: "If we have a written constitution, produce it." Yes, produce it. A present day American freight train could not have carried it. But the evidence of what that constitution was, and the *only* evidence allowable was, the court records of previous decisions and the commentaries of lawyers on what it should be which constituted in their theory only the *evidence* of what that unwritten constitution was; in my theory, the constitution itself as much as the written copy of our constitution is the constitution itself. It was known as the common law. It was, according to my theory, written. But the way it was written! Part of it was Latin. Part of it was "law Latin," with a little Greek thrown in for seasoning. Part of it was French. Part of it was "law French." Part of it was English. A considerable part of it was only a conglomeration of all these. And people were expected to conform to it! Is it any wonder some anarchists said the only law we know is the moral

law? They certainly couldn't know the common law, in conformity with which they were expected to comport themselves. Even Blackstone, probably the most famous lawyer who ever lived, did not, and could not, know that. For he *frequently* expressed his own doubt in his own commentaries as to what the law was. There were many things, however, which were not doubtful. If a man's wife or baby needed food which he was, owing to the monstrous form of government he was born in subjection to, unable to provide and he stole fifty cents from a man who had untold wealth that he never produced, or he stole its value in food, there was then no doubt as to the law on the subject. It was felony. The penalty for felony was death. It was THE LAW. The doubt came in principally where rich men's property was involved. Not that there was any doubt that practically all of the wealth produced by the poor men should go to the rich who produced none. Oh, no! It was beneath the dignity of those who were not poor to produce wealth, and they certainly had to live—and live high. There was no doubt there. The doubt was in regard to the distribution of the spoils wrung from the poor and whether or not a man was of a sufficiently exalted birth and prestige with the push to exempt him from punishment for doing as he pleased, or what he was driven or provoked into doing.

There was one thing, though, that the rich complained of. Of course it was necessary for them to monopolize all knowledge of the law. That was a foregone conclusion, for it wouldn't be law long if the many knew what it was like. But it took work to get that knowledge. It was not only infinite in amount, but so tangled up and scattered that there was no way of taking up an intelligent and systematic study of it. There was no starting point—no beginning—no ending—no course. About the year 1760 Sir William Blackstone, the most prominent legal light of his day, took up the work of writing up a history of the laws of England. Of course he could find no starting

point, as any anarchist could have told him he wouldn't, because the starting point for the only social compact the world has ever known was thousands of ages ago; long before there was any such thing as writing ever known. So in his history of the laws of England, instead of beginning at the beginning and coming down to the present, as histories are supposed to do, he commented. His comments frequently slipped back a couple of thousand years—a mere trifle apparently to a social compact—and carried him over to Rome and even frequently to Greece. And when I say frequently I mean FREQUENTLY. Occasionally he would wander back three or four thousand years and pick up his starting point again from Abraham and his progenitors. He decided not to call it a history of the laws of England, because such was an impossibility. He called it the "Commentaries on the Laws of England," though the "Defense of the Laws of England" would have been a more appropriate name. There were four books, in about 1800 pages, of his comments. The first book appeared in November, 1765, and the other three books in the course of the four succeeding years. As this is the nearest approach that we have to an expose of the nature of the world's social compact (it hardly touches on it because it is only 1800 pages not twice as big as the pages of this book) it has been the starting point for a study of the social compact ever since (in America as well as England, of course).

In running through this work of Blackstone's, a few notes have been jotted down merely as samples here and there to show what John Doe's pants were like in Blackstone's day and a short time previous.

The frightful monstrosities and the bulk of those (not all) which have not yet been amended out of it are generally covered up in long dissertations (and combinations) not understandable by the average man and could not be presented, nor merely touched upon, in a single volume five times the size of this little work, but here and there

through Blackstone's Commentaries are little detached samples sufficiently free from languages foreign to English and sufficiently free from their dependence on other parts of the comments that they can be quoted, and understood by the average reader.

In presenting these quotations from Blackstone, I present also with some of them a few brief comments of my own in parenthesis. Everything not in parenthesis is quoted verbatim from his Commentaries, or exposé of the laws of England, which, aside from the patches, are our own laws of to-day—a part of the world's social compact. Of course Blackstone also occasionally made remarks in parenthesis, but this will not cause any confusion as to which were his remarks of that kind and which mine, as they are so radically different in character as not to be confounded one with the other. For instance, if he refers to God's providence, it should be self-evident to the least discriminating that such is his own remark, even though it be in parenthesis, for it would be remarkable indeed to hear an anarchist prate about God's providence. It would more likely be termed God's improvidence, if it came from an anarchist source. And, if I may be permitted the indication of conceit, where an absurd excuse is made it is characteristic of Blackstone, who, though a prominent lawyer, is admitted by our own lawyers of to-day to have been as narrow-minded and bigoted a writer as the world ever produced. His principal virtue as a commentator lay in the fact that, while not as comprehensive as might have been, his commentaries were the most comprehensive exposé of the laws of England (for lawyers only) ever put in print; with the additional virtue that they were an honest exposé of those laws by the most enthusiastic partisan they ever had.

Those who think that an infinite amount of law on every phase of human action is essential to the welfare of society should notice how Blackstone thought the same thing to a far greater extent in regard to things which we of

to-day would not tolerate any laws at all for their regulation. That is, how he felt that law was absolutely necessary where to-day we have ABSOLUTE anarchy or lack of (written) law. True, I stated in a foregoing chapter that anarchy does not exist, and never has existed, yet, notwithstanding, we have anarchy to a limited (entirely too limited to satisfy any anarchist) extent on some subjects the same as we have had, and have to-day, free trade to a limited extent, or as regards some articles, though we have not, and never have had, free trade. And if Blackstone could wake up in his grave for one moment and realize our ABSOLUTE anarchy (or lack of "law") on the subjects of religion, common scolds, gypsies, duties on exports (but not imports), *harboring* vagrants (but not vagrancy), witchcraft and sorcery, harboring strangers; luxury and extravagant expenses in dress, diet and the like; those that be "not of good fame," standing mute, and CORRUPTION OF BLOOD, together with our semi-anarchy on the subject of debt, as well as the anarchy we enjoyed prior to the assassination of McKinley, which was termed liberty of speech and freedom of the press, but which has (unfortunately) since become license; he would hold up his hands in holy horror at the idea of living in an age of such anarchy (the bare mention of the word gave him the nightmare) and be well satisfied to sink back again to that long untroubled "sleep that knows no awakening."

We have had a taste of anarchy *and like it*. We want more.

In making these quotations, they are taken from Chitty's edition, and references are to pages.

## BOOK I.

P. 42. Equity, thus depending, essentially, upon the particular circumstances of each individual case, there can be no established rules and fixed precepts of equity laid down, *without destroying its very essence*. And, on the

other hand, the liberty of considering all cases in an equitable light must not be indulged too far, LEST THEREBY WE DESTROY ALL LAW. And law without equity, though hard and disagreeable (you bet it is) IS MUCH MORE DESIRABLE for the public good (he meant by the public good the welfare of the lawyers) than equity without law (but, notwithstanding, there are some of us anarchists who have gotten tired of so much law and little equity and would prefer the equity to the law, strange as it may seem).

P. 148. Lands are not naturally descendible any more than thrones; but the law has thought (the law has another think coming), for the benefit and peace of the public, to establish hereditary succession in the one as well as the other (we have wiped out the one—the less oppressive of the two—why not wipe out the other?).

## BOOK II.

P. 271. And, thus, by this strict construction of the courts of law a statute made *upon great deliberation*, and introduced *in the most solemn manner*, has had little other effect than to make a *slight alteration* in the formal words of a conveyance (it changed the word use to the word trust, both meaning the same. Its only other effect was to give lawyers the chance to sell the important information that the word trust in law would mean the same as the word use and would avoid the penalty attached to the insertion of the word use).

P. 273. Which also occasioned them to be overlooked in framing the statute of uses; and therefore such bargains and sales are not directed to be enrolled. But how IMPOSSIBLE is it to foresee, and provide against all the consequences of innovations!

P. 399. And at the third meeting at farthest, which must be on the forty-second day after the advertisement in the Gazette, the bankrupt upon notice, also personally served upon him, or left at his usual place of abode, must

surrender himself personally to the commissioners; which surrender (if voluntary) protects him from all arrests till his final examination is passed; and he must thenceforth in all respects conform to all the directions of the statutes of bankruptcy; or, in default of either surrender or conformity, shall be guilty of felony without benefit of clergy (we also have anarchy or lack of "law" on the subject of exemptions for the clergy. They and almost every person—except the poor—whose aunt's cousin's brother-in-law was a distant relative of a priest, clergyman later on, or any one who could read, were exempt from the law) and shall suffer death, and his goods and estate shall be distributed among his creditors (they couldn't just take his goods and let it go at that). In case the bankrupt absconds, OR IS LIKELY TO RUN AWAY, between the time of the commission issued (which was on request of one creditor) and the last day of surrender, he may by warrant from any judge or justice of the peace be apprehended and committed to the county jail, in order to be forthcoming to the commissioners; who are also empowered immediately to grant a warrant for seizing his goods and papers. The bankrupt upon this examination, is bound upon pain of death to make a full discovery of all his estate and effects, as well in expectancy, and how he has disposed of the same; together with all books and writings relating thereto; and is to deliver up all in his own power to the commissioners; or, in case he conceals or embezzles any effects to the amount of £20, or withholds any books or writings, with the intent to defraud his creditors (intent was presumed until PROVEN otherwise, as it is to this day) he shall be guilty of felony without benefit of clergy; and his goods and estate shall be divided among his creditors. And, unless it shall appear that his inability to pay his debts arose from some CASUAL loss (lack of business generally for a considerable time or unusual expenses from family sickness was no excuse) he may upon conviction by indictment of such gross misconduct and NEGLI-

GENCE be set upon the pillory for two hours (we still have the pillory and whipping post in Delaware), and have one of his ears nailed to the same and cut off (presumably to pay his debts with). Also, to prevent the too common practice of frequent and fraudulent OR CARELESS breaking, a mark is set upon such as have been once cleared by a commission of bankrupt.

### BOOK III.

P. 8. But generally whatever goods and chattels the landlord finds upon the premises, whether they in fact belong to a stranger, are distrainable by him for rent; for, otherwise, a door would be open to infinite frauds upon the landlord (they always took good care of the landlords, whether a door was open to infinite frauds on others or not); and the stranger has *his* remedy over by action on the case against the tenant (a beautiful remedy), if by the tenant's default the chattels are distrained so that he can not render them when called upon. With regard to a stranger's beasts which are found on the tenant's land, the following distinctions are, however, taken. If they are put in by consent of the owner (as if the owner knew whether the tenant had paid his rent or not) of the beasts, they are distrainable immediately afterward for rent arrears by the landlord.

P. 24. These (attorneys of precedence) rank promiscuously with the king's counsel and sit with the bar of the respective courts; but receive no salaries, and are not sworn; and, therefore, are at liberty to be retained in causes against the crown. And all other serjeants and barristers indiscriminately may take upon them the protection and defense of any suitors, whether plaintiff or defendant; who are, therefore, called their *clients*, like the dependents upon the ancient Roman orators. Those, indeed, practised gratis for honor merely, or, at most, for the sake of gaining influence; and so likewise it is established with us that a

counsel can maintain no action for his fees, which are given, not as a salary or hire, but as a mere gratuity, which a counsellor cannot demand without doing wrong to his reputation (how many legal reputations would there be in this country if it had not been patched?).

P. 49. If the rigor of general rules does in any case bear hard (if) upon individuals, courts of equity are open to supply (in theory) the defects, but not sap the fundamentals (that is not give any relief except what you can get without them in a court of law) of the law (and only then by expending a fortune).

P. 50. For this purpose, the bishop of the diocese and the alderman, or in his absence the sheriff of the county, used to sit together in the county court and had there the cognizance of all causes, as well ecclesiastical (we now have absolute anarchy in regard to ecclesiastical causes) as civil: a superior deference being paid to the bishop's opinion (how much do we care for a bishop's opinion in a court today?) in spiritual matters (for which we have neither laws nor courts to-day), and to that of the lay judges in temporal. This union of power was very advantageous to them both (as though all consideration was for the court and none for those haled before it); the presence of the bishop added weight and reverence (our courts have a plentiful sufficiency of weight and reverence) to the sheriff's proceedings (they generally needed it, especially the reverence); and the authority of the sheriff was equally useful (we don't doubt it) to the bishop, by enforcing obedience to his decrees in such refractory offenders as would otherwise have despised (and did any way) the thunder (a good nomer) of mere ecclesiastical censures (that's the way they used to hammer the superstition into them).

P. 295. And it seems the height of judicial absurdity that in the same cause (here we agree with him) between the same parties in the examination of the same facts, a discovery by the oaths of the parties should be permitted

on one side of Westminster Hall, and denied on the other: or that the judges of one and the same court should be bound by law to reject such a species of evidence, if attempted on a trial at bar, but, when sitting the next day as a court of equity should be obliged to hear such examination read, and to found their decrees upon it. In short within the same country, governed by the same laws, such a mode of inquiry should be universally admitted, or else universally rejected (what, make the same rules apply to the rich and poor alike!).

P. 317. The precedents then set were afterwards most religiously followed to the great obstruction of justice, and ruin of the suitors (poor suitors): who have formerly suffered as much by this scrupulous obstinacy (there could be no scrupulous obstinacy in an anarchist court) and literal strictness of the courts as they could have done even by their iniquity. After verdicts and judgments upon the merits, they were frequently reversed for slips of the pen or mis-spellings; and justice was perpetually entangled (as she is to this day) in a net of mere technical jargon.

P. 337. \* \* the distinguishing between a mortgage at 5 per cent with a clause of a reduction to 4 per cent if the interest be regularly paid, and a mortgage at 4 per cent with a clause of enlargement to 5 per cent if the payment of the interest be deferred; so that the former shall be deemed a conscientious, the latter an unrighteous bargain: all these and other cases that might be instanced, are plainly rules of positive law (Blackstone sometimes distinguished between the moral law, and the crooked interpretations of the moral law by calling the moral law natural law and the crooked interpretations positive law); supported only by the reverence that is shown, and generally very (im)properly shown, to a series of former determinations (as though our ancestors knew better than ourselves how to govern us); that the rule of property may be uniform and steady (well, we have it uniform and steady enough

now). Nay, sometimes a precedent is so strictly followed that a particular judgment, founded upon particular circumstances, gives rise to the general rule (henceforth called "law." That's what anarchists are opposed to.) In short, if a court of equity in England did really act, as many ingenious writers (and many fools who depended on it for justice) have supposed it to do, it would rise above all law, either common or statute (as all equity certainly should) and be a most arbitrary (he meant discriminating) legislator in every particular case.

#### BOOK IV.

P. 20. In inferior misdemeanors also we may remark another exception; that a wife may be indicted and set in the pillory *with* her husband for keeping a brothel; for this is an offense touching the domestic economy or government of the house in which the wife has a principal share (just as clear as mud).

P. 21. There is yet another case of necessity, which has occasioned great speculation among the writers upon general law; viz.: whether a man in want of food or clothing may justify stealing either, to relieve his present necessities. And this both Grotius and Puffendorf, together with many others of the foreign jurists, hold in the affirmative (but they never got it into law); maintaining by many ingenious, humane and plausible reasons that in such cases the community of goods by a kind of tacit confession of society is revived. And some, even, of our own lawyers have held the same, though it seems to be an unwarranted doctrine, borrowed from the notions of some civilians: at least it is now antiquated, the law of England admitting no such excuse at present. And this, its doctrine, is agreeable, not only to the sentiments of many of the wisest ancients (our models ever), particularly Cicero, who holds that \* \* (we'll leave out a few pages more or less of latin) but also to the Jewish law (the principal virtue of which is its antiquity) as certi-

fied by king Solomon himself: "If a thief steal to satisfy his soul when he is hungry, he shall restore seven fold (how easy); and shall give all the substance of his house," which was the ordinary punishment for theft in that kingdom. And this is founded upon the highest reason: for men's properties (always of greater consideration than life if it belonged to the rich) would be under a strange insecurity (the insecurity of a hungry life being of slight consequence in comparison) if liable to be invaded according to the wants (and anguish) of others (and their wives and babies) of which wants no (jury) man can possibly be an adequate judge (to the satisfaction of the miserly and cruel rich), but the party himself who pleads them. In this country especially, there would be a peculiar impropriety in admitting so dubious an excuse; for by our laws such sufficient (!) provision is made for the poor (who produce all the wealth) by the power of the civil magistrate, that it is impossible (!) that the most needy stranger should ever be reduced to the necessity of thieving to support nature (sounds nice but, whether it was true in England or not, it certainly is not true of the United States to-day). \* \*

I mean the case of the king; who by virtue of his royal prerogative (a beautiful thing), is not under the coercive power of the law; which will not suppose him capable (though it knows he is) of committing a folly, much less a crime (Oh, no).

P. 33. The legislature hath indeed thought it proper that the civil magistrate should again interpose, with regard to one species of heresy (or the crime of thinking), very prevalent in modern times; for by Statute 9 and 10 W. III, c. 32, if any person educated in the Christian religion (or latest amendments to the soul directions) or professing the same shall by writing, printing, teaching or advised speaking (whatever advised speaking is I don't know and he didn't either) deny any one of the persons of the holy trinity (though they are only one) to be God

(a collective party composed of three but only amounting to one whole God) or maintain that there are more Gods than one (I'd rather go where there are lots of gods than where there is only one if I had any choice), he shall undergo the same penalties (three years' imprisonment) and incapacities which were just now mentioned to be inflicted on apostacy (changing your opinion of this wonderful god, formerly called Richard Roe) by the same statute (not repealed till 53 Geo. III, after our revolutionary war).

P. 35. Non-conformity to the worship of the church is the other, or negative, branch of this offense. And for this there is much more to be pleaded than for the former; being a matter of private conscience (but a crime nevertheless), to the scruples of which our present laws have shown a very just and Christian indulgence (noble magnanimity). For undoubtedly all persecution and oppression of weak consciences on the score of religious persuasions, are highly unjustifiable upon every principle of natural reason, civil liberty or sound religion (I never could distinguish the difference between sound and unsound religion myself). But care must be taken not to carry this indulgence into such extremes as may endanger the national church (a precious arm of the government): there is always a difference to be made between toleration and establishment (something like our newly found difference between liberty of speech and license).

Non-conformists are of two sorts: first, such as absent themselves from divine worship (a truly monstrous crime) in the established church through total irreligion and attend the service of no other persuasion. These by the statutes of I Eliz. c. 2, 23 Eliz. c. 1, and 3 Jas. I, c. 4, forfeit one shilling to the poor (crumbs for the poor make a good excuse) every lord's day they so absent themselves, and £20 (four hundred times one shilling) to the king (no crumbs this time) if they continue such default for a month together. And if they keep any inmate, thus ir-

religiously disposed, in their houses they forfeit £10 per month (not to the poor this time).

P. 37. Let us therefore now take a view of the laws in force against the papists (catholics) ; who may be divided into three classes, persons professing popery (catholicism), popish recusants convict, and popish priests. 1st. Persons professing the popish religion, besides the former penalties for not frequenting their parish church, are disabled from taking their lands, either by descent or purchase, after eighteen years of age, until they renounce their errors ; they must at the age of twenty-one register their estates, before acquired, and all future conveyances and wills relating to them ; \* \* they may not keep or teach any school under pain of perpetual imprisonment ; and if they willingly say or hear mass they forfeit, the one two hundred, the other one hundred, marks, and each shall suffer a year's imprisonment (how's that for teaching protestantism?). Thus much for persons who from the misfortune of family prejudices or otherwise have conceived an unhappy (I should think it would be) attachment to the Romish church from their infancy (as though it were their fault) and publicly profess its errors. But if any evil industry is used to rivet these errors upon them, if any person sends another abroad, to be educated in the popish religion, or to reside in any religious house abroad for that purpose, or contributes to their maintenance when there ; both the sender, the sent and the contributor, are disabled to sue in law or equity, to be executor or administrator to any person, to take any legacy or deed of gift and to bear any office in the realm, and shall forfeit all their goods and chattels, and likewise all their real-estate (and they shout confiscation at anarchists) for life. And where these errors are also aggravated by apostacy (back-sliding) or perversion, where a person is reconciled to the see (pope) of Rome, or procures others to be reconciled, the offense amounts to high treason. 2nd. Popish recusants convicted in a court of law of not attending the ser-

vices of the church of England are subject to the following disabilities, penalties, and forfeitures (the difference between forfeiture and confiscation is that one is forfeiture and the other confiscation, though which is which I have never been able to find out), over and above those before mentioned. They are considered (they don't say by whom) excommunicated; they can hold no office or employment; they must not keep arms in their houses, but the same may be seized by the justice of the peace; they may not come within ten miles of London, on pain of £100 (for fear London might learn something); they can bring no action at law, or suit in equity; they are not permitted to travel above five miles from home (for fear they might get away), unless by license, upon pain of forfeiting all their goods (and this seems to be the most important of all in everything). Goods were an irresistible temptation); and they may not come to court under pain of £100 (also tempting). No marriage or burial of such recusant, or baptism of his child, shall be had (how frightful, considering that was required in the soul directions) otherwise than by the ministers of the church of England (which church is still doing a flourishing business at the same old stand), under other severe penalties (they were never able to get too much penalty on any thing). A married woman, when recusant, shall forfeit (or have confiscated) two-thirds of her dower or jointure, may not be executrix to her husband, nor have any part of his goods (those goods they must have); and during the coverture (matrimony) may be kept in prison, unless her husband redeems her at the rate of £10 a month or the third part of all his lands. And, lastly as a feme covert (married woman) recusant may be imprisoned, so all others must, within three months after conviction, either submit and renounce their errors (something like Aguinaldo had to renounce his after he was captured) or, if required so to do by four justices, must abjure and renounce the realm: and if they do not depart (after they

have been fleeced of all they have of course), or if they return (which they were not likely to do if they could once get away) without the king's license, they shall be guilty of felony and suffer death as felons without the benefit of clergy. There is also an inferior species of recusancy (refusing to make the declaration against popery) which, if the party resides within ten miles of London, makes him an absolute recusant convict, or, if at a greater distance, suspends him from having any seat in parliament, keeping arms in his house, or any horse above the value of £5. This is the state, by the laws now in being (about the time of our own anarchistic Boston Tea Party). But 3rd, the remaining species or degree, viz: *popish priests*, are in a still more dangerous condition. For by Statute II and 12 W. III, c. 4, popish priests or bishops celebrating mass, or exercising any part of their functions, in England, except in the houses of ambassadors, are liable to perpetual imprisonment. And by the statute 27 Eliz. c. 2, any popish priest, born in the dominions of the crown of England, who shall come over hither from beyond sea (unless driven by stress of weather and tarrying only a reasonable time) or shall be in England three days without conforming and taking the oaths (frightful things), is guilty of high treason: and all persons harboring him are guilty of felony without benefit of clergy.

P. 42. The fourth species of offenses, therefore, more immediately against God (as though such things could be infringements of the rights of man) and religion (anarchists would let God protect his religion himself and confine their efforts to protecting the rights of MEN, which is enough to keep their hands full) is that of blasphemy against the almighty (if he is almighty he can easily do his own protecting) by denying his being (as though that would hurt him) or Providence; or by contumelious (whatever that is) reproaches of our Savior Christ (and to this day we couldn't, or can't seem to, get along without worshiping a bastard who has been dead these past two

thousand years. But when I use the word bastard I do not do it with any idea of reproach for Christ was probably as good a man as I am for all I know to the contrary. I only use the word because the law puts it in my mouth. I do, however, hold as much honor and respect for a bastard as I do for the highest government official who ever drew the breath of life if he lives as honorable a life as his opportunities will permit). Whither also may be referred all profane scoffing at the holy scripture (no honest man can call it holy if he has not read it and it is my opinion that no man, honest or dishonest, will call it holy if he has), or exposing it to contempt (its good name is so delicate that it would not stand much exposing) and ridicule (it might be ridiculous if it were not taken seriously). These are offenses punishable at common law (they must have suspected nothing else would have prevented them) by fine and imprisonment, or other infamous corporal punishment (that is infamous because the infamy rests upon the punishers) : for Christianity (only a patch to the soul directions) is part of the laws of England (a poor recommendation and no compliment for either. Each was in pretty bad company, to say the least).

Somewhat allied to this, though in an inferior degree, is the offense of profane and common *swearing* and *cursing* (of which every man in the United States has been guilty). By the last statute against which 19 Geo. II, c. 21, which repeals all former ones, every laborer, sailor, or soldier, profanely swearing or cursing shall forfeit 1 s. ; every other person under the degree of a gentleman (I have never been able to learn the meaning of the word) 2 s. ; and every gentleman or person of superior rank 5 s. to the poor of the parish (more crumbs for the poor) ; and, on the second conviction, double ; and, for every subsequent offense, treble the sum first forfeited ; with all charges of conviction : and in default of payment shall be sent to the house of correction for ten days. Any justice of the peace may convict upon his own hearing, or the testimony of one wit-

ness; and any constable or peace officer, upon his own hearing, may secure any offender and carry him before a justice and there convict him (we still have these laws against swearing in parts of the United States to this day. The following is a foot-note and not part of the text: "The conviction must be within eight days after the offense. Each oath or curse being a distinct complete offense, there can be no question, I conceive, but a person may incur any number of penalties in one day, though Dr. Burn doubts whether any number of oaths or curses in one day amounts to more than one offense.") If the justice omits his duty (that is fails to convict), he forfeits £5 and the constable 40 s. and the act is to be read in all parish churches and public chapels the Sunday after every quarter-day on pain of £5 to be levied by warrant from any justice. Besides this punishment for taking God's name in vain in common discourse it is enacted by statute 3 Jas. I, c. 21, that if in any stage play, interlude or show the name of the holy trinity, or any of the persons therein (though there is only one God—about three too many), be jestingly (it was hard enough to keep a straight face in handing out such rot, apparently, without permitting any one to be guilty of the heinous crime of cracking a joke) or profanely used, the offender shall forfeit £10 one moiety (by moiety they mean half but do not like to say so) to the king and the other to the informer.

A sixth species of offense against God (who could not be trusted to punish offenses against him for himself) and religion (it was indeed a serious crime not to be superstitious), of which our ancient books are full, is a crime of which one knows not well what account to give (though of course it was necessary to punish people for it). I mean the offense of *witchcraft, conjuration, enchantment or sorcery*. To deny the possibility, nay, actual existence of witchcraft and sorcery is at once flatly to contradict the revealed word of God (or soul directions which you, reader, must not contradict or you forfeit the

good health part of the guarantee), in various passages both of the old (we can't get along without old things because we might not look natural in a new pair of pants) and new (now almost as old as the hills) testament: and the thing itself is a truth (as much as the passages of both the old and new testament) to which every nation (or branch of the social family) in the world hath in its turn borne (interested and perjured) testimony, either by examples seemingly well attested (by those anxious to keep the people in fear of such shadows), or by prohibitory laws (which would have lots of power over those able to suspend the laws of nature); which, at least, suppose (and teach for a purpose) the possibility of commerce with evil spirits (not merely alcoholic). The civil law punished with death (a favorite punishment of thinkers and investigators in all ages) not only the sorcerers themselves but also those who consult them (so as to get rid of any undesirable person who may have inadvertently spoken to one afterwards alleged to be a sorcerer), imitating in the former the express law (soul directions) of God (formerly known as Richard Roe): "Thou shalt not suffer a witch to live." And our own laws, both before and since the conquest, have been equally penal; ranking this crime in the same class with heresy (the frightful crime of thinking), and condemning both to the flames (burning to death used to be a favorite sport and pastime with those who governed and the general effect of this simple process was quite as awe-inspiring as turning on a current and then merely burning up the body in quicklime and sulphuric acid). The President Montesquieu ranks them also both together, but with a very different view (the view was an important factor to those who were burned): laying it down as an important maxim, that we ought to be very circumspect in the prosecution of magic and heresy; because the most unexceptional conduct, the purest morals, and the constant practice of every duty in life, are not a sufficient security against the suspicion of crimes like

these (notice how identical this argument is with our present day practice of giving the law to one side and the decision to the other). And indeed the ridiculous stories that are generally told, and many impostures and delusions that have been discovered in all ages, are enough to demolish all faith in such a dubious crime; if (notice they ALWAYS find an "if" after every reasonable argument) the contrary evidence were not also extremely strong. Wherefore it seems to be the most eligible way to conclude, with an ingenious writer of our own, that in general there has been such a thing as witchcraft; though one can not give credit to any particular modern instance of it (like the god manufacturing business; wherefore it seems to be the most eligible way to conclude that in general there has been such a thing as the manufacture of gods, though one can not give credit to any particular modern instance of it).

Our forefathers were stronger believers, when they enacted by statute 33 Henry VIII, c. 8, all witchcraft and sorcery to be felony without benefit of clergy; and again by statute 1 Jas. I, c. 12, that all persons invoking any evil spirits (alcohol is not referred to), or consulting, covenanting with, entertaining, employing or rewarding any evil spirit; or taking up dead bodies from their graves (dead bodies seemed to give them a chill for which they, apparently, had no remedy) to be used in any witchcraft, sorcery, charm or enchantment; or killing or otherwise hurting any person by such infernal arts, should be guilty of felony without benefit of clergy and suffer death. And if any person should attempt by sorcery to discover hidden treasure (they evidently didn't like treasure seekers), or to restore stolen goods (restoration of stolen goods was as tender a subject with them as the restoration of stolen land is to-day), or to provoke unlawful love (unlawful love is a self-evident absurdity in itself to all except those who are not entitled to, or unable to get, any love at all), or to hurt any man or beast, though the same were not af-

fected, he or she should suffer imprisonment and pillory for the first offense and death for the second. These acts continued in force till lately to the terror of all ancient females (for whom Blackstone had little respect) in the kingdom: and many poor wretches were sacrificed (not sacrifice at the time but only execution; of course subsequent generations called it sacrifice) thereby to the prejudice of their neighbors (or government), and their own illusions; not a few having, by some means or other (we still possess those means to this day), confessed the fact at the gallows.

P. 44. Profanation of the lord's day, vulgarily (but improperly) called *sabbath breaking*, is a ninth offense against God (which he could not prevent himself) and religion (and still an offense in most parts of the United States though fortunately not in California. I have seen innocent and happy children made most unhappy by being arrested **FOR PLAYING BASE-BALL** on Sunday), punished by the municipal law of England.

P. 46. Footnote. Publicly selling and buying a wife is clearly an indictable offense; and many prosecutions against husbands for selling, and others for buying, have *recently* been sustained, and imprisonment for **SIX MONTHS** inflicted (compare this with the death penalty for the felony of stealing more than one shilling, or twenty-five cents, farther on). Procuring, or endeavoring to procure, the seduction of a girl **SEEMS** indictable.

P. 61. And yet so little effect have over violent laws to prevent any crime (he spoke from experience) that within two years afterwards this very prince was both deposed and murdered (not like William McKinley). And in the first year of his successor's reign, an act was passed reciting: "that no man knew how he ought to behave himself, to do, speak or say, etc." (which is the case to-day).

P. 66. It is now time to pass on from defining the crime (?) to describing its punishment (in every fiendish detail of which they took such a keen delight). The pun-

ishment of high treason (or the crime of desiring a different and better government) in general is very solemn (to the victim) and terrible (well, I wonder). 1st. That the offender be drawn to the gallows, and not be carried or walk: though usually (by connivance, at length ripened by humanity into law) a sledge or hurdle is allowed, to preserve (for a worse fate) the offender from the extreme torment of being dragged on the ground or pavement. 2nd. That he be hanged by the neck, and then cut down alive. 3rd. That his entrails be taken out and burned, while he is yet alive (though a sledge or hurdle is allowed to carry him to the gallows by connivance, at length ripened BY HUMANITY into law). 4th. That his head be cut off. 5th. That his body be divided into four parts. 6th. That his head and quarters be at the king's disposal (we can't learn for what purpose). \* \* \* \* In the case of coining, which is a treason of a different complexion (they had all the complexions of the rainbow for every phase of all human actions and we are not far behind them) from the rest, the punishment is milder for male offenders (the males made all the law as do we); being only (ONLY) to be drawn and hanged by the neck until dead. But in treason of every kind the punishment of woman is the same, and different from that of man. For as the decency due to the sex (which they didn't have in any over-abundant degree) forbids the exposing and publicly mangling their bodies (which they considered was the limit of decency due to the sex), their sentence (which is to the full as terrible to the sensation as the other—his own parenthesis) is to be drawn to the gallows, and there to be burned alive.

P. 87. Besides thus taking the oaths for office, any two justices of the peace may by the same statute summon, and tender the oaths to, any person whom they shall suspect to be disaffected: and every person refusing the same, who is properly called a non-juror (non-swearer), shall be judged a popish recusant convict, and subject to

the same penalties that were mentioned in a former chapter; which in the end may amount to the alternative of abjuring the realm or suffering death as a felon (Hob's choice so to speak).

P. 107. For it is enacted by statutes 5 and 6 Edw. VI, c. 4, that if any person shall, by words only, quarrel, chide or brawl, in a church or church-yard, the ordinary shall suspend him, if a layman, *ab ingressu ecclesiae* (from admission to the church); and, if a clerk in orders, from the ministration of his office during pleasure. And if any person in such church or church-yard (splendid haven for gossipers and insulters of women) proceeds to smite or lay violent hands upon another, he shall be excommunicated *ipso facto* (automatically); or if he strikes him with a weapon (regardless of the provocation), or draws any weapon with intent to strike (regardless of any difference in size or strength or sex), he shall, besides excommunication (being convicted by a jury—which was as much of a farce then as now), have one of his ears cut off: or, having no ears, be branded with the letter F (presumably for felon) in his cheek.

P. 114. Offenses against public trade, like those of the preceding classes, are either felonious or not felonious (like people who are either dead or not dead).

Of the first sort are:

1st. Owling, so-called from its being usually carried on in the night, which is the offense of transporting wool or sheep out of this kingdom, to the detriment of its staple manufacture (should have said to the detriment of the manufacturer who might otherwise have to pay the market, or fair, price for wool). This was forbidden at common law and more particularly by statute II Edw III, c. 1, when the importance of our woolen manufacture (and the especial friendship and favoritism towards the woolen manufacturer) was first attended to; and there are now many statutes relating to this offense, the most useful (to the manufacturer) and principal of which are

those enacted in the reign of queen Elizabeth, and since. The statute of 8 Eliz. c. 3, makes the transportation of live sheep, or embarking them on board any ship, for the first offense, forfeiture (or confiscation) of goods and imprisonment for a year and that at the end of the year the left hand shall be cut off in some public market (not to confiscate the hand for meat) and shall be there nailed up in the openest place: and the second offense is felony.

P. 124. A third species of felony against the good order and economy (about which they were very solicitous) of the kingdom is by idle *soldiers* and *mariners* wandering about the realm (something like the state of California's— laughable if it were not so serious—definition of vagrancy), or persons pretending so to be, and abusing the name of that honorable (?) profession. Such a one not having a testimonial or pass from the justice of the peace, limiting the time of his passage, or exceeding the time limited for fourteen days, unless he falls sick; or forging such testimonial; is by statute 39 Eliz, c. 17, made guilty of felony without benefit of clergy (punishment, death by torture, without regard to particular circumstances). This sanguinary law, though in practice deservedly antiquated, still remains a disgrace to our statute book (but in all his 1800 pages of comments he did not find half a dozen "disgraces" to the statute book and none that were still practised): yet attended with this mitigation, that the offender may be delivered if any honest freeholder (land-lord) or other person of substance (wealth) will take him into his service (they were willing to substitute slavery for the punishment of the most trifling so-called offenses), and he abides in the same for one year; unless licensed to depart by his employer (master) who in such case shall forfeit £10 (for the right to liberate his slave).

(4) Outlandish persons calling themselves Egyptians, or gypsies (an honorable class of social victims), are another object of the severity of some of our unrepealed stat-

utes. These are a strange kind of commonwealth among themselves of wandering (enforced wandering seems to have been, as it is to this day, one of the unpardonable sins) impostors and jugglers who were first taken notice of in Germany (who has just conferred upon us the inestimable honor of allowing a German prince to associate with us for a few weeks) about the middle of the fifteenth century, and have since spread themselves all over Europe. Munster, who is followed and relied upon by Spelman, and other writers, fixes the time of their first appearance at the year 1417; under the passports, real or pretended, from the emperor Sigismund, king of Hungary. And Pope Pius II (who died A. D. 1464) mentions them in his history as thieves and vagabonds, then wandering with their families (even worse than wandering without families) over Europe under the name of zigari; and whom he supposes to have migrated from the country of Zigi, which nearly answers to the modern Circassia. In the compass of a few years they gained such a number of idle proselytes (who imitated their language and complexion—as easy as rolling off a log—and betook themselves to the same arts of chiromancy, begging—still a most heinous crime. The city and county of San Francisco, on June 5th, 1901, dragged a sick man, barely able to be up, away from the bedside of his wife who was seriously ill in bed and kept him over night in a damp cell on the charge of PERMITTING a minor to beg, though her only offense was selling papers on the street to provide some of the most urgent necessities for the sick mother which the father was unable to provide—and pilfering) that they became troublesome (the wealthy who govern can never submit to anything that is troublesome), and even formidable (a few gypsies must have been awful “formidable” to a nation) to most of the states of Europe. Hence they were expelled from France in the year 1560 and from Spain in 1591. And the government of England took the alarm (they must have been “alarmed”) much earlier; for

in 1530 they are described by statute 22 Henry VIII, c. 10, as "outlandish" (that's what the Boers called the English a little later) people, calling themselves Egyptians, using no craft nor feat of merchandise, who have come into this realm (certainly a foolish thing) and gone from shire to shire and place to place in great company, and used great, subtle and crafty means to deceive people (they were not describing our present day politicians) bearing them in hand that they by palmistry could tell men's and women's fortunes (worse than our present "manufacturers" claiming that by bottled alcohol and mercury they can cure people's diseases) ; and so many times by craft and subtlety have deceived the people (like our own politicians and business men) of their money (American financiers and business men never do such things) and also have committed many heinous felonies (why not just punish the guilty then if government is capable of performing the ostensible object for which it exists) and robberies." Wherefore they are directed to avoid the realm, and not to return under pain of imprisonment, and forfeiture of their goods and chattels (they could not forget to confiscate what little they might have) : and upon their trials for any felony which they may have committed, they shall not be entitled to a jury *de media-tate linguae*. And afterwards it is enacted by statute 1 and 2 Ph. & M., c. 4, and 5 Eliz., c. 20, that if any such persons shall be imported into this kingdom, the importer shall forfeit £40 and if the Egyptians themselves remain one month in this kingdom, or if any person, being fourteen years old (whether natural born subject or stranger), which have been seen or found in the fellowship of such Egyptians, or which hath disguised him or herself like them, shall remain in the same one month, at one or several times, it is felony without benefit of clergy (how was this for an exclusion law?) : and Sir Mathew Hale informs us that at one suffolk assizes no less than thirteen gypsies were executed upon these statutes a few years before the

restoration (how the fiends must have enjoyed themselves). But to the honor of our national humanity (he said it with a straight face just like an American politician talking about our free government and American institutions) there are no instances more modern than this of carrying these laws into practice (that is of executing the laws they are sworn to execute).

P. 128. Lastly a common scold, *communis rixatrix* (for our law latin confines it to the feminine gender), is a public nuisance to her neighborhood. For which offense she may be indicted; and if convicted, shall be sentenced to be placed in a certain engine of correction called the trebucket, castigatory, or *cucking stool*, which in the Saxon language (for their law was also partly in the Saxon language) is said to signify the scolding stool; though now it is frequently corrupted into *ducking stool*, because the residue of the judgment is that when she is so placed therein she shall be plunged in the water for her punishment (a sort of a joke with the punishers).

P. 128. Persons harboring vagrants are liable to a fine of forty shillings and to pay all expenses wrought upon the parish thereby (how easy for such people): in the same manner as, by our ancient laws, whoever harbored any stranger for more than two nights (no wonder they wandered) was answerable to the public for any offense that such his inmate might commit.

Under the head of public economy may be also properly ranked all sumptuary laws against luxury and extravagant (or extra vagrant) expenses in dress, diet and the like; concerning the general utility of which to a state, there is much controversy among the political writers. Baron Montequieu lays it down that luxury is necessary in monarchies, as in France; but ruinous to democracies, as in Holland. With regard therefore to England, whose government is compounded of both species, it may still be a dubious question how far private luxury is a public evil; and as such cognizable by public laws. And indeed our

legislators have several times changed their sentiments as to this point; for formerly there were a multitude of penal laws existing to restrain excess in apparel; chiefly made in the reigns of Edward the Third, Edward the Fourth and Henry the Eighth, against piked shoes, short doublets, and long coats; all of which were repealed by statute 1 Jas. I, c. 25. But as to excess in diet, there still remains one ancient statute unrepealed, 10 Edw. III, st. 3, which ordains that no man shall be served, at dinner or supper, with more than two courses; except upon some great holidays there specified in which he may be served with three (it was criminal to eat more and anarchistic to want to).

P. 151. If any woman be delivered of a child which, if born alive, should by law be a bastard (there would be no bastards under anarchy); and endeavors privately to conceal its death, by burying the child or the like; the mother so offending shall suffer death (the one amusement they liked better than all others was putting people to death, even women and children) as in the case of murder unless she can prove by one witness at least that the child was actually born dead (but in the case of "legitimate" children it didn't make any difference).

P. 155. The punishment of murder and that of manslaughter was formerly one and the same; both having the benefit of clergy (or exemption from punishment if able to read); so that none but unlearned persons, who least knew the guilt of it, were put to death for this enormous crime.

P. 158. Next in order of time is the statute 37 Henry VIII, c. 6, which directs that if a man shall maliciously and unlawfully cut off the ear of any of the king's subjects he shall not only forfeit treble damages (however much that might be I don't know and Blackstone didn't either) to the party aggrieved, to be recovered by action of trespass (provided the victim had money enough to win a law-suit for it) at common law, as a civil satisfaction; but also £10 by way of fine to the king (to whose inter-

est it was to have as many ears cut off as possible at £10 per ear), which was his criminal amercement (how many people's ears could J. Pierpont Morgan cut off at that rate?).

P. 191. Our ancient Saxon laws nominally punished theft with death (their old standby entertainment), if above the value of twelve pence (twenty-five cents); but the criminal was permitted to redeem his life by a pecuniary ransom (which only the professional thieves could pay); as among their ancestors, the Germans, by a stated number of cattle. But in the ninth year of Henry the First this power of redemption (what a beautiful patch) was taken away and all persons guilty of larceny above the value of twelve pence were directed to be hanged (and a hungry wife was no excuse); which law continues in force to this day. For though the inferior species of theft, or petit larceny, is only punished by imprisonment or whipping (as in Delaware) at common law, or by statute 4 Geo. I, c. II, may be extended to transportation for seven years, as is also expressly directed in the case of the plate glass company (one of the many favorites like some of our trusts to-day), yet the punishment of grand larceny, or the stealing above the value of twelve pence (which sum was the standard in the time of king Athelstan, eight hundred years ago), is at common law regularly death. Which considering the great intermediate alteration in the price or denomination of money, is undoubtedly a very rigorous (that's all—just rigorous) constitution; and made Sir Henry Spelman (above a century since, when money was at twice its present rate) complain, that while every thing else was risen in the nominal value, and become dearer, the life of man had continually grown cheaper. It is true that the mercy (that's right, call it mercy) of juries will often make them strain a point (and commit perjury in so doing just like an anarchist) and bring in larceny to be under the value of twelve pence, when it is really of much greater value (if this doesn't illustrate the

importance of juries being able to bring in a verdict and judgment without regard to the law which defines a crime and fixes an unjust penalty I don't know how to do it) but this, though evidently justifiable and proper (which it would be only to an anarchist), when it only reduces the present nominal value of money to the ancient standard (and an anarchist would say, ancient standard be d—), is otherwise a kind of pious perjury (what an absurdity! Perjury is worse than the theft the UNJUST punishment of which can only be avoided by the jurors all becoming anarchists for the time being and defying the law they have sworn to execute) and does not at all excuse our common law in this respect from the imputation (that's what he said—only imputation) of severity, but rather strongly confesses the charge.

P. 203. By statute 5 Eliz. c. 14, to forge or make, or knowingly to publish or give in evidence any forged deed, court roll, or will, with intent to affect the right of real property, either free-hold or copy-hold, is punished by a forfeiture to the party grieved of double costs and damages; by standing in the pillory, and having both his ears cut off and his nostrils slit and seared (no matter if there were exceptional circumstances to justify it or the conviction was obtained by doubtful evidence in a farcical jury trial); by forfeiture to the crown of the profits of his lands, and by perpetual imprisonment.

P. 211. First, then, the justices are empowered by the statute 34, Edw. III, c. I, to bind over to the good behavior towards the king and his people all them *that be not of good fame*, wherever they may be found; to the intent that the people be not troubled nor endangered, nor the peace diminished, nor merchants and others, passing by the highways of the realm, be disturbed nor put in the peril which MAY happen by such offenders. Under the general words of this expression, *that be not of good fame*, it is holden that a man may be bound to his good behavior for causes of scandal, *contra bonos mores* (against

good morals), as well as contra pacem (against the peace); as, for haunting bawdy houses with women of bad fame; or for keeping such women in his house; or for words tending to scandalize the government (the good name of every government seems to be so shaky that criticism seems to cut deep), or in abuse of the officers of justice (poor officers of justice), especially in the execution of their office. Thus, also, a justice may bind over all night-walkers; eaves-droppers; such as keep suspicious company, or *are reported* to be pilferers or robbers (without any conviction); such as sleep in the day and wake in the night (why don't they simply say anybody without a pull?); common drunkards, whoremasters (think of merely binding over to keep the peace whoremasters who prey upon the misfortunes of helpless women and punishing with death the husband who steals twenty-five cents from a rich man for a hungry wife or baby); the putative fathers of bastards; cheats (would this include our financiers?); idle vagabonds (would this include William Waldorf Astor?); and other persons whose misbehavior may reasonably bring them within the general words of the statutes, as persons not of good fame; an expression, it must be owned, of so great a latitude as leaves much to be determined by the discretion of the magistrate himself.

P. 227. These are plain, easy and regular; the law not admitting any fictions, as in civil cases, to take place where the life, the liberty (they claimed to have it as much as we do) and the safety of the subject are more immediately brought into jeopardy.

P. 265. The English judgment of penance for standing mute was as follows: That the prisoner be remanded to the prison whence he came; and put into a low, dark chamber; and there be laid on his back, on the bare floor, naked, unless where decency forbids (decency should forbid all the disgraceful proceedings of law but it doesn't); that there be placed upon his body as great a weight of iron as he could bear, and more; that he have no

sustenance, save only, on the first day, three morsels of the worst bread; and, on the second day, three draughts of standing water, that should be nearest to the prison door; and in this situation this should be alternately his daily diet *till he died*.

P. 276. The several methods of trial and conviction of offenders established by the laws of England were formerly more numerous than at present (that is less anarchistic), through the superstition of our Saxon ancestors (which was even greater than the superstition in America to-day); who, like other northern nations, were extremely addicted to divination; a character which Tacitus observes of the ancient Germans. They, THEREFORE, invented a considerable number of methods of purgation or trial to preserve innocence from the danger of false witnesses (from my observation, I think we need a considerable number of methods of preserving innocence from the danger of false witnesses which we don't have), and in consequence of a notion that God would always interpose miraculously to vindicate the guiltless (the soul directions said he would).

The most ancient species of trial was that of *ordeal*, which was peculiarly distinguished from the appellation of *judicium Dei* (judgment of God); and sometimes *vulgaris purgatio* (vulgar purgation), to distinguish it from the canonical purgation, which was by oath of the party. This was of two sorts, either *fire* ordeal, or *water* ordeal; the former being confined to persons of higher rank, the latter to the common people (because it was easy to evade the former and impossible to evade the latter). Both these might be performed by deputy; but the principal was to answer for the success of the trial; the deputy only venturing some corporal pain for hire, or perhaps for friendship. Fire ordeal was performed either by taking up in the hand, unhurt, a piece of red-hot iron of one, two or three pounds weight; or else by walking barefoot, and blindfold, over nine red-hot plough-shares, laid

lengthwise at unequal distances; and if the party escaped being hurt he was adjudged innocent; but if it happened otherwise as, without collusion, it usually did (notwithstanding the soul directions said it wouldn't) he was then condemned as guilty. However, by this latter method Queen Emma, the mother of Edward the Confessor, is mentioned to have cleared her character, when suspected of familiarity with Alwyn, bishop of Winchester (easy enough for a queen to do or any of the few but impossible for any of the many).

Water ordeal was performed either by plunging the bare arm up to the elbow in boiling water (the fire under the water would be apt to be pretty low for any of the few, but plenty hot enough for any of the many) and escaping unhurt thereby, or by casting the person suspected into a river or pond of cold water; and, if he floated therein without any action of swimming it was deemed an evidence of his guilt; but if sank (and drowned), he was acquitted (no chance for collusion here; therefore this was for the common people only. Persons of rank—the few—had the other ordeal so they might clear themselves by collusion. This water ordeal was practised in Massachusetts by the "Puritans" on those accused of witchcraft, and it was better, even for those who could swim, to sink and drown than be adjudged guilty as he otherwise would be. In our present semi-anarchistic jurisprudence the opportunities for the few to evade the law intended only for the many are buried so deep in our statute books that the many do not even know of their existence, but they exist nevertheless). It is easy to trace out the traditional relics of this water ordeal in the ignorant barbarity still practiced in many countries to discover witches by casting them into a pool of water, and drowning them to prove their innocence.

These two antiquated methods of trial were principally in use among our Saxon ancestors. The next, which still

remains among us, to the princes of the Norman line. And that is,

III. The trial by *battle*, duel or single combat, which was another species of presumptuous appeals to providence under an expectation that Heaven would unquestionably give the victory to the innocent or injured party (about like our present presumption in America that the God of Justice—or money—will give the victory in a legal battle to the innocent or injured party). The nature of this trial in cases of civil injury, upon issue joined in a writ of right was fully discussed in the preceding book, to which I have only to add that the trial by battle may be demanded at the election of the appellee, in either an appeal or an approvement; and that it is carried on with equal solemnity (did you ever notice the solemnity of the farce in our courts of to-day?) as that on a writ of right; but with this difference, that there each party might hire a champion, but here they must fight in their proper persons (and how the sanctimonious government officials enjoyed it). And therefore if the appellant or approver be a woman, a priest, an infant, or of the age of sixty (what a snap for a man of twenty-five against one of fifty-nine or a giant against a dwarf), or lame or blind, he or she may counterplead and refuse the wager of battle; and compel the appellee to put himself upon the country (that is a farce trial by jury). Also peers of the realm (so as to exempt the few for the laws intended for the government of the many), bringing an appeal, shall not be challenged to wage battle, on account of the dignity (or imbecility) of their persons; nor the citizens of London (a favored locality similar to our Wall street), by special charter (anarchists are opposed to favoritism by charter or otherwise) because (a because can be found for any injustice on the face of the earth) fighting seems foreign to their education (which was denied to others) and (lack of) employment. So likewise if the crime be notorious; as if the thief be taken with a *Mainour*, or the

murderer in the room (but not in the hall-way or outside) with a bloody knife (human blood or chicken blood alike), the appellant may refuse the tender of battle from the appellee, for it is unreasonable (though the rest of the farce was reasonable) that an innocent man should stake his life against one who is already half convicted.

The form and manner of waging battle upon appeals are much the same as upon a writ of right; only the oaths of the two combatants are vastly more striking and solemn (they couldn't leave the solemn part out of the farce any more than we can). The appellee, when appealed of felony, pleads *not guilty* (sounds familiar), and throws down his glove and declares he will defend the same by his body; the appellant takes up the glove, and replies that he is ready to make good the appeal, body for body. And thereupon the appellee, taking the book (of soul directions) in his right hand, and in his left the right hand of his antagonist, swears to this effect: "Hear this, O man, whom I hold by the hand, who callest thyself John by the name of baptism, that I, who call myself Thomas by the name of baptism (no more farcical than our present jurisprudence), did not feloniously murder thy father, William by name, nor am any way guilty of the said felony. So help me God, and the saints (we still hang on to this help me God business though we have cut out the saints); and this I will defend against thee by my body, as this court shall award." To which the appellant replies, holding the bible (we still hang onto our bible, and in some states even require witnesses to prostitute their lips by kissing the filthy book although everybody makes it a point not to know what is in it), and his antagonist's hand in the same manner as the other: "Hear this, O man, whom I hold by the hand, who callest thyself Thomas by name of baptism (we still hang on to our baptism too, and to the shame of our cowardly fathers and brothers, allow our young daughters and sisters to be immersed in streams and ponds where the ice has to be broken for the

purpose) that thou art perjured; and therefore perjured, because that thou feloniously didst murder my father, William by name. So help me God, and the saints (some of us even hang on to the saints to this day); and this I will prove against thee by my body, as this court shall award." The battle is then to be fought with the same weapons, viz.: batons, the same solemnity, and the same oath (we are still fond of oaths) against amulets and sorcery, that are used in the civil combat; and if the appellee be so far vanquished, that he cannot or will not fight any longer, he shall be adjudged to be hanged immediately; and then, as well as if he be killed in battle, Providence is deemed to have determined in favor of the truth (the same as a court of the present day is DEEMED to have determined in favor of the truth), and his blood shall be attainted (so as to punish the innocent also, assuming that he was himself guilty). But if he kills the appellant (thereby adding another crime), or can maintain the fight from sunrising till the stars appear in the evening (something like maintaining a legal fight at present till the other side's money gives out), he shall be acquitted. So also if the appellant becomes recreant, and pronounces the horrible word *craven* he shall lose his *liberam legem* (lawful liberty) and become infamous; and the appellee shall recover his damages (provided he is able), and also be forever quit, not only of the appeal, but of all indictments likewise, for the same offense.

P. 295. A learned judge, in the beginning of the last century, remarks with much indignation the vast complication of perjury and subornation of perjury in this solemn farce of a mock trial; the witnesses, the compurgators, and the jury, being all of them partakers in the guilt; the delinquent party also, though convicted before on the clearest evidence, and conscious of his own offense, yet was permitted and almost compelled to swear himself not guilty; nor was the good bishop himself, under whose countenance this scene of wickedness was daily trans-

acted, by any means exempt from a share of it. And yet by this purgation the party was restored to his credit, his liberty, his lands, and his capacity for purchasing afresh, and was entirely made a new and innocent man.

This scandalous prostitution of oaths, and the forms of justice, in the almost constant acquittal of felonious clerks (clergymen) by purgation, was the occasion that, upon very heinous and notorious circumstances of guilt, the temporal courts would not trust the ordinary with the trial of the offender, but delivered over to him the convicted clerk (clerk means clergyman), *absque purgatione facienda* (without right of purgation), in which situation the clerk convict could not make purgation, but was to continue in prison during life, and was incapable of acquiring any personal property, or receiving the profits of his lands, unless the king should please to pardon him (which he would have to do or fight the whole organization of professors of the soul directions the same as our President or governor would have to pardon J. Pierpont Morgan or fight the whole Wall street combination). Both these courses were in some degree exceptionable; the latter being perhaps too rigid, as the former was productive of the most abandoned perjury. As therefore these mock trials took their rise from factious and popish tenets, tending to exempt one part of the nation from the general municipal law; it became high time, when the reformation was thoroughly established, to abolish so vain and impious a ceremony.

P. 296. Accordingly the statute of 18 Eliz., c. 7, enacts that, for the avoiding of such perjuries and abuses, after the offender has been allowed his clergy, he shall not be delivered to the ordinary, as formerly; but upon such allowance and burning in the hand, he shall forthwith be enlarged (liberated) and delivered out of prison; with proviso, that the judge may, if he thinks fit, continue the offender in jail for any time not exceeding a year. And, thus the law continued, for above a century, unaltered, ex-

cept only that the statute of 21 Jas. I, c. 6, allowed that women convicted of simple larcenies under the value of ten shillings should (not properly have the benefit of clergy, for they were not called upon to read; but) be burned in the hand and whipped (no mention here of the decency due to the sex), stocked or imprisoned for any time not exceeding a year (in the case of a friend of the judge about fifty-eight or fifty-nine seconds). And a similar indulgence by the statutes 3 & 4 W. & M., c. 9, and 4 & 5 W. & M., c. 24, was extended to women, guilty of any clergyable felony whatsoever; who were allowed once to claim the benefit of the *statute* (as a substitute for benefit of clergy), in like manner as men might claim the benefit of *clergy*, and to be discharged upon being burnt in the hand, and imprisoned for any time not exceeding a year. The punishment of burning in the *hand*, being found ineffectual, was also changed by statute 10 & 11 W. III, c. 23, into burning in the most visible part of the left *cheek*, nearest the nose; but such an indelible stigma, being found by experience to render offenders desperate, this provision was repealed, about seven years afterwards, by statute 5 Ann, c. 6, and till that period all women, all peers of parliament and peeresses (except those excepted), and all male commoners who could read, were discharged (that is from the death penalty) in all clergyable felonies; the males absolutely, if clerks in orders (that is explainers of the soul directions); and other commoners, both male and female, upon branding; and peers and peeresses without branding, for the first offense; yet all liable (excepting peers and peeresses—his own parenthesis), if the judge saw occasion, to imprisonment not exceeding a year (all this for stealing a man's \$2.50 hat, regardless of circumstances). And those men who could not read, if under the degree of peerage, were hanged.

P. 297. And it was also enacted by the statutes 4 Geo. I, c. II, and 6 Geo. I, c 23, that when any persons shall be convicted of any larceny, either grand or petit, or any

felonious stealing or taking of money or goods and chattels either from the person or the house of any other, or in any other manner, and who BY THE LAW shall be entitled to the benefit of clergy, and liable only to the penalties of burning in the hand or whipping, the court in their (his) discretion, instead of such burning in the hand or whipping, may direct such offenders to be transported to America (or by the statute 19 Geo. III, c. 74, to any other parts beyond the seas) for seven years; and if they return or are seen at large in this kingdom within that time (shouldn't think they would want to), it shall be felony without the benefit of clergy.

P. 302. Of these (judgments) some are capital, which extend to the life of the offender, and consist generally in being hanged by the neck till dead (this barbarity is still practised in more than three-fourths of the states of the United States); though in very atrocious (showing the foregoing was for crimes not very atrocious) crimes other circumstances of terror, pain or disgrace (this disgrace to the innocent members of the family is still the universal barbarism of the United States, and the innocent poor old father and young sister of Leon Czolgosz were so punished in a most fiendish manner) are superadded; as, in treasons of all kinds, being drawn or dragged to the place of execution; in high treason affecting the King's person (which was of more consequence than the persons of all the people combined) or government (for it was HIS government and is to this day), embowelling alive, beheading, and quartering; and in murder a public dissection. And, in case of any treason committed by a female, the judgment is to be burned alive. But the humanity (that's what he said) of the English nation has authorized, by a tacit consent, an almost general mitigation of such parts of these judgments as savor of torture or cruelty (that would be the whole of them, I should think); a sledge or hurdle being usually allowed to such traitors (or those desiring a government

which would wipe out such a social compact and substitute for it a better one—a modern one) as are condemned to be drawn; and there being very few instances (and those accidental or by negligence) of any person's being embowelled, till previously deprived of sensation by strangling (why disembowel them at all then?) Some punishments consist in exile or banishment (which seems to the writer like rewarding the offender and punishing his family), by abjuration of the realm, or transportation (that is, the former reward with expense allowance); others in loss of liberty (and it's precious little of it they had to lose), by perpetual or temporary imprisonment. Some extend to confiscation (to punish the innocent family again), by forfeiture of lands or movables, or both, or of the profits of lands for life; others induce a disability of holding offices or employments (so as to make it more necessary than ever to steal), being heirs, executors and the like. Some, though rarely (once would be an everlasting disgrace), occasion a mutilation or dismembering by cutting off the hand or ears (George Washington and his anarchistic associates abolished this entirely in the United States, and for more than a century no one has complained about it, though of course it was "necessary" to prevent crime); others fix a lasting stigma on the offender, by slitting the nostrils, or branding in the hand, or cheek (anarchistic America would never tolerate this outside of the army). Some are merely pecuniary, by stated or discretionary fines (so as to place the innocent family in want); and lastly there are others (still others) that consist principally in their ignominy, though most of them are mixed with some degree of corporal pain; and these are inflicted chiefly for such crimes as either arise from indigence (of which no one is VOLUNTARILY guilty) or render even opulence disgraceful (we might suspend such degree of anarchy as we have and whip Chauncey Depew and Ambassador Whitelaw Reid for their disgraceful opulence). Such as whipping (the whipping

post is still an indispensable engine of state torture and barbarity in Delaware), hard labor (we have an abundance of that anyway, for clothes and board only, as a punishment for being free-born citizens of the “land of liberty”) in the house of correction (more properly the degenerating house) or otherwise, the pillory (unknown to anarchistic America, though “necessary” to prevent infringements of human rights), the stocks (likewise), and the ducking stool (most unchivalrous of all).

Disgusting as this catalogue may seem (it certainly does *SEEM* so to anarchists who haven’t the intelligence to substitute anything better), it will afford pleasure to an English reader (if he be sufficiently anarchistic), and do honor to the English law (certainly in sore need of it), to compare it with that shocking apparatus of death and torment (of course no man’s own shocking apparatus of death and torture is shocking) to be met with in the criminal codes of almost every other nation in Europe (it would satisfy him about the same as it does an American to-day to compare our comparative degree of anarchy with that of Russia or Turkey). And it is moreover one of the glories of our English law (Blackstone prated about the glories of the English law, free constitution of England and “liberty” of British subjects only six years before we rebelled against their “glorious law,” “free constitution” and “liberty” as much as American politicians do to-day) that the species, though not always the quantity or degree, of punishment is *ascertained* for every offense (which of course makes it all right); and that it is not left in the breast of any judge, nor even of a jury (much less to the merits of the case), to alter that judgment which the law has beforehand ordained for every subject alike (except where it is not for every subject alike) without respect of (so-called common) persons. For, if judgments were to be the private opinions of the judge (which they generally are), men would then be slaves to their magistrates (instead of to their politician made law); and would live in

society without knowing exactly the conditions and obligations which it lays them under (I have been trying the past ten years to learn this very thing and have failed dismally. Nor am I alone for there is not a man in all the world who knows what the law will be when it comes to a show-down—a trial. A life-long student of the law can, at best hazard an “opinion.” For, if he says the law is so and so, his opponent simply says: “Oh, I don’t know; there’s lots of law.” I confidently assert that no man knows the law and no man is justified in upholding the law if he cannot familiarize himself with the nature of it). And, besides, as this prevents oppression on the one hand (the only trouble is it doesn’t), so on the other it stifles all hopes of impunity or mitigation (the only trouble is it doesn’t); with which an offender might flatter himself (which he does) if his punishment depended on the humor or discretion of the court (but not to any considerable extent if it depended on the unbiased opinion of a jury which could not be “packed”). Whereas, where an established penalty is annexed to crimes, the criminal may read (after it is too late to prevent the “crime”) their certain (or possible) consequence in that law (provided he can find it, and there is not an infinite amount of other law to nullify or modify it); which ought to be (but cannot be) the unvaried rule, as it is the inflexible (when not flexible) judge of his actions.

P. 303. The quantum (amount), in particular, of pecuniary fines neither can nor ought to be ascertained by an invariable law (just what anarchists say). The value of money itself changes from a thousand causes; and, at all events, what is ruin to one man’s fortune may be matter of indifference to another’s. Thus the law of the twelve tables at Rome fined every person that struck another five-and-twenty *denarii*; this, in the more opulent days of the empire, grew to be a punishment of so little consideration that Aulus Gallius tells a story of one Lucius Neratius who made it his diversion to give a blow to

whomsoever he pleased (he wouldn't do it often in an anarchistic country), and then tender them the legal forfeiture.

P. 304. When sentence of death, the most terrible (only because they couldn't think of anything more so) and highest (or most "cowardly," according to the meaning of the word as applied to Leon Czolgosz) judgment in the laws of England, is pronounced the immediate inseparable consequence from the common law is *attainder* (to punish his innocent family). For when it is now clear beyond all (legal) dispute, that the criminal is no longer fit to live (which cannot be said of any) upon the earth (but only in Heaven—if he has repented), but is to be exterminated as a monster and a bane to (in) human society, the law sets a note of infamy upon him (and his innocent family), puts him out of its protection (which never has amounted to much), and takes no further care of him (it was mighty little it took of him before, except to bleed him) than barely to see him executed (which sight it seems to enjoy hugely).

P. 305. But her (the wife's) dower is forfeited by the express provision of statute 5 & 6 Edw. VI, c. II, and yet the husband shall be tenant by the courtesy (heir by survivorship for life) of the wife's lands if the wife be attainted of treason; for that is not prohibited by the statute. But, although after attainder the forfeiture relates back to the time of the treason committed, yet it does not take effect unless an attainder be had, of which it is one of the fruits; and therefore if a traitor dies before judgment pronounced (so as to tempt him to commit suicide if merely accused out of persecution), or is killed in open rebellion, or is hanged by martial law, it works no forfeiture of his lands; for he never was attainted of treason. But if the Chief Justice of the king's bench (the supreme coroner of all England) in person, upon view of the body of one killed in open rebellion, records it and returns the record into his own court, both lands

and goods shall be forfeited. \* \* \* Such forfeiture, moreover, whereby his (innocent) posterity must suffer as well as himself, will help to restrain (such) a man (as would not likely do a wrong act unless driven to it) not only by the sense of his duty (a man with a proper sense of duty is not generally addicted to doing wrong) and dread of personal punishment (of others), but also by his passions and natural affections (which are not a proper subject of punishment, but rather of commendation) ; and will interest every dependent and relation he has to keep him from offending (from mercenary motives only) :

And, therefore, Aulus Cascellius, a Roman lawyer in the time of the triumvirate (like Morgan, Harriman and McKinley), used to boast that he had two reasons for despising the power of the tyrants ; his old age and his want of children ; for children are pledges to the prince of the father's obedience (and the man who is a party to looking upon innocent children as pledges for the behavior of others, or supports the law that does it, is the worst of all criminals. How many thousand men's children in the United States are looked upon as pledges for their fathers' obedience to the trusts they slave for?).

P. 306. On the other hand, the Macedonian law extended even the capital punishment of treason, not only to the children, but to all the relations of the delinquent ; and of course their estates must be also forfeited, as no man was left to inherit them. And in Germany by the famous golden bulle (copied almost verbatim from Justinian's code), the lives of the sons of such as conspire to kill an elector are spared, as it is expressed, by the emperor's *particular bounty*. But they are deprived of all their effects and rights of succession, and are rendered incapable of any honor, ecclesiastical or civil ; "to the end that, being always poor and necessitous, they may forever be accompanied by the infamy of their father ; may languish in continual indigence (how many Americans languish in continual indigence whose fathers, as well as

themselves, have led the best life their opportunities would permit); and may find (says the merciless edict) their punishment in living and their relief in dying."

P. 312. Reprieves may also be *ex necessitate legis* (out of legal necessity); as, where a woman is capitally convicted and pleads her pregnancy; though this is no cause to stay the judgment, yet it is to respite the execution till she be delivered. This is a mercy (who'd have thought it?) dictated by the law of nature, *in favorem prolis* (in favor of the unborn child); and therefore no part of the bloody proceedings, in the reign of Queen Mary, hath been more justly detested than the cruelty that was exercised in the island of Guernsey of burning a woman big with child (what a pity there was no anarchist present); and when, through the violence of the flames, the infant sprang forth at the stake, and was preserved by the bystanders, after some deliberation of the priests, who assisted at the sacrifice, they cast it again into the fire as a young heretic (Oh! for a "cowardly" Leon Czolgosz there about that time. If there wouldn't have been one dead professor of the soul directions there surely would have been more).

P. 313. Law (says an able writer) cannot be framed on principles of compassion to guilt; yet justice, by the constitution of England, is bound to be administered in mercy (to the few. Justice and mercy are incompatible one with the other. If I deserve punishment and you mercifully relieve me from it you rob justice to that extent. If I do not deserve it, and am relieved from it, it is not mercy but simple justice. Mercy we do not want, but justice we demand—vainly).

P. 314. This is indeed one of the great advantages of monarchy (the word means but one man of precedence) in general above any other form of government (or mis-government); that there is a magistrate, who has it in his power to extend mercy (and he generally does it—to the few), wherever he thinks it is deserved (mercy, being a

disposition to treat an offender better than he deserves, cannot be deserved); holding a court of equity (can he mean justice; if so, all are equally entitled to such benefit) in his own breast (the worst conceivable place) to soften the rigor of the general law (it would certainly stand softening) in such criminal cases as merit an exemption from punishment (at least 99 per cent of them).

P. 325. This remarkable event (the Norman conquest) wrought as great an alteration in our laws as it did in our ancient line of kings; and though the alteration of the former was effected rather by the consent of the people (they didn't often get a chance to give much consent) than any right of conquest, yet that consent seems to have been partly extorted by fear (like our consent of the Filipinos to submit to our government), and partly given without any apprehension of the consequences which afterwards ensued (same as usual).

P. 326. Another violent alteration of the English constitution (which was only the common law) consisted in the depopulation of whole counties, for the purposes of the king's royal diversion; and subjecting both them and all the ancient forests of the kingdom to the unreasonable severities of forest laws imported from the continent, whereby the slaughter of a beast was made almost as penal as the death of a man (or the stealing of fifty cents for a hungry wife).

P. 327. Both the divinity and the law of those times were therefore frittered into logical distinctions (any thing logical was most distasteful to Blackstone and to all law manufacturers before and since), and drawn into metaphysical subtleties with a skill most amazingly artificial (how could skill be anything but artificial? But mental skill has always been a menace to the partisans of the old social compact and therefore disliked on general principles. But, looking at it in the light that he evidently did, has it not continued so down to the present day?); but which serves no other purpose than to show the vast powers of

the human intellect, however vainly and preposterously employed. \* \* \* Statute after statute has in later times been made to pare off these troublesome excrescences (to what purpose) and restore the common law to its pristine simplicity (its simplicity was amazing) and vigor (it was vigorous all right); and the endeavor has greatly (note the greatly confession) succeeded; but still the scars are deep and visible (all anarchists have ever wanted was to strike out these "deep and visible" scars, though they are fully aware it can only be done by an entirely new social compact just as John Doe could only strike out the patches from his pants, or even those only that are "deep and visible," by throwing away the pants and getting a new pair); and the liberality (their liberality was their most striking characteristic—when dealing with the few) of our modern courts of justice (of law, he meant) is frequently obliged to have recourse to unaccountable fictions (no "unaccountable fictions" for a poor man) and circuities (circuities in court are expensive, but they can still be had) in order to recover that equitable and substantial (though expensive) justice which for a long time was totally (and still to a frightful extent) buried under the narrow rules and fanciful niceties (nearly as fanciful as in America to-day) of metaphysical and Norman jurisprudence.

P. 328. The nation at this period seems to have groaned (is there any groaning in America?) under as absolute a slavery (some millionaire politicians maintain there is no slavery in America to-day, but they carefully avoid mention of our houses of prostitution and sweatshops, which of course, our constitution manufacturers could not foresee, but rather prefer to tell about some full—or fool—dinner pails) as was in the power of a warlike, an ambitious (he wasn't referring to our martyred William) and a politic prince to create.

The consciences of men were enslaved (as J. Pierpont's is to-day) by four ecclesiastics (a light dose) devoted to

a foreign power (as ours are to an imaginary one), and unconnected with the civil state under which they lived (without work), who now imported from Rome for the first time the whole *farrago* of superstitious novelties (amendments to the soul directions) which had been engendered by the blindness and corruption of the times (worse even than those of the present) between the first mission of Augustin, the monk, and the Norman conquest; such as transubstantiation (still taught to our children in kilt skirts FOR PAY), purgatory (likewise), communion in one kind (also likewise) and the worship of saints and images (also likewise); not forgetting the universal supremacy and dogmatical infallibility of the holy see (also likewise). The laws, too, as well as the prayers, were administered in an unknown tongue (this was so that anarchists could not convince the people that the laws were not what they were handed out to be. Afterwards found to be unnecessary as far as concerned the laws for they were so numerous a man could not go through them all in a life time). The ancient trial by jury (to-day only a farce) gave way to the impious decision by battle (which is now misplaced by the modern legal battle, not quite so bad where both sides are evenly matched financially). The forest laws totally restrained all rural pleasures and manly recreations. And in cities and towns the case was no better; all company being obliged to disperse, and fire and candle to be extinguished, by eight at night, at the sound of the melancholy curfew. The ultimate property of all lands, and a considerable share of the present profits, were vested in the king, or by him granted out to his Norman favorites; who, by a gradual progression of slavery, were absolute vassals to the crown, and as absolute tyrants to the commons (something like our American politicians to-day). Unheard of forfeitures, talliages, aids and fines, were arbitrarily extracted from the pillaged landholders (who paid nothing to the community for withholding its land), in pursuance of the new

system of tenure. And, to crown all, as a consequence of the tenure of knight-service, the king has always ready at his command an army of sixty thousand knights or *milites*; who were bound, upon pain of confiscating their estates, to attend him in time of invasion, or to quell any domestic insurrection (otherwise there would have been lots of anarchists). Trade, or foreign merchandise, such as it then was, was carried on by the Jews and Lombards, and the very name of an English fleet, which king Edgar had rendered so formidable, was utterly unknown to Europe; the nation consisting wholly of the clergy (soul directors), who were also the lawyers; the barons, or great lords (or robbers) of the land; the knights, or soldiery, who were the subordinate land-holders; and the burghers, or inferior tradesmen, who from their insignificance happily retained in their socage and burgage tenure, some points (very few probably) of their ancient freedom (freedom, then as now, was not to be confounded with license to express one's opinion of systemized robbery). All the rest were villeins (or villians) or bondmen.

From so complete and well concerted a scheme of servility (we have never had a new social compact since then; only that same old one, then thousands of ages old, patched up now and then, or rather incessantly), it has been the work of generations for our ancestors to redeem themselves and their posterity (Blackstone professed to believe this redemption had been completed the same as our politicians profess to believe this redemption has certainly gone far enough now) into that state of liberty (they handed it out that they then enjoyed liberty the same as it is handed out to us to-day that we have liberty—though not “license” to do what we have a right to do) which we now enjoy: and which therefore is not to be looked upon as consisting of mere encroachments on the crown, and infringements on the prerogative (of the king) as some slavish and narrow minded writers (won't our present political writers be called slavish and narrow minded by future

generations?) in the last century endeavored to maintain; but as, in general, a gradual restoration of that ancient constitution, whereof our Saxon forefathers had been unjustly deprived, partly by the policy, and partly by the force of the Norman.

P. 330. Richard the First, a brave and magnanimous prince, was a sportsman as well as a soldier; and therefore enforced the forest laws with some rigor; which occasioned many discontents among his people (enforcement of the law has always occasioned discontent. Why?): though (according to Mathew Paris) he repealed the penalties of castration (such was the law), loss of eyes and cutting off the hands and feet, before inflicted on such as transgressed in hunting; probably finding that their severity prevented prosecutions (no lawful prosecutions could be prevented without anarchists). All who are not anarchists must be satisfied to have the law enforced, whatever be the law).

P. 334. In the reign of King Henry the Seventh his ministers (not to say the king himself—his own parenthesis) were more industrious in hunting out prosecution upon old and forgotten penal laws, in order to extort money from the subject (something like San Francisco's attempt under the administration of multi-millionaire Jimmie Phelan to tax prostitutes, under the alternative of being prosecuted and fined, for the benefit of the city treasury in the custody of the politician "push"), than in framing any new beneficial laws. For the distinguishing character of this reign was that of amassing treasure in the king's coffers by every means that could be devised: and almost every alteration in the laws, however salutary or otherwise in their future consequences, had this and this only for their great and immediate object. To this end the court of star-chamber was new-modelled and armed with powers the most dangerous and unconstitutional over the persons and properties of the subject.

P. 335. It must be, however, remarked that (particu-

larly in his latter years) the royal prerogative was then strained to a very tyrannical and oppressive height: what was the worst circumstance, its encroachments were established by law, under the sanction of those pusillanimous parliaments (will future generations call our Congress of to-day pusillanimous?), one of which, to its eternal disgrace, passed a statute whereby it was enacted that the king's proclamations should have the force of acts of parliament; and others concurred in the creation of that amazing heap of wild and new fangled treasons, which were slightly touched upon in a former chapter (something like that upon which Johann Most was convicted in New York and, on Oct. 4th, 1901, sentenced to one year's imprisonment for publishing a QUOTATION from an article published at times in the United States without being treason for fifty years past).

Happily for the nation, this arbitrary reign was succeeded by the minority of an amiable prince; during the short sunshine of which great part of these extravagant laws were repealed (anarchists would go them one better and, instead of repealing the "great part," would repeal all extravagant laws even though the only way that it can be done is to repeal all law and then enact such few simple laws as are necessary). And, to do justice to the shorter reign of Queen Mary, many salutary and popular laws, in civil matters, were made under her administration; perhaps the better to reconcile the people to the bloody measures which she was induced to pursue for the re-establishment of religious slavery: the well concerted schemes for effecting which were (through the Providence of God) defeated by the seasonable accession of Queen Elizabeth.

P. 337. Though a notion of general liberty had strongly pervaded and animated the whole constitution, yet the particular liberty, the natural equality, and personal independence of individuals, were little regarded or thought of; nay, even to assert them was treated as the height of

sedition (as it was in America for two months after McKinley's assassination) and rebellion.

P. 342. To sustain, to repair (or patch), to beautify this noble pile (the common law of England), is a charge intrusted principally to the nobility (about as good people to entrust it to as Mark Hanna), and such gentlemen of the kingdom as are delegated by their country to parliament. The protection of the **LIBERTY OF BRITAIN** is a duty which they owe (and seem but little disposed to recognize) to themselves, who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim (no harm in claiming) at their hands this, the best birthright, and noblest inheritance of mankind (poor mankind!).

The end of the fourth (last) book.

## CHAPTER VII.

### “THE BALLOT, NOT THE BULLET, THE AMERICAN WAY.”

“The ballot, not the bullet, is the American way,” was the cry that went up from Maine to California last September. The ballot, not the bullet, is certainly the proper way but—

What we want is results. True, results can not be obtained by the bullet except by the stronger side—the side that has the most bullets, so to speak. Ordinarily and under anything like normal conditions that side could win by the ballot as well as by the bullet, and at a great deal less cost. Therefore the most important consideration is to see to it that the ballot shall be the means by which controversies are to be determined, and that this means shall not be superseded by the bullet. If this is to be our object we MUST take a cool and unimpassioned view of conditions as they are; see if there is a growing impression that the ballot has become a farce or a delusion; see if it has gone under the control and manipulation of a few who are able and anxious to defeat the very object for which it was (ostensibly) established. It is not asserted here that such is the case but only that such is certainly possible. If it is the case, certainly we should not shut our eyes to the facts and refuse to believe it. All people, anarchists and partisans of the archives alike, are vitally interested in preserving a peaceful method of settling all controversies and differences. When the ballot was established in America it proved fairly satisfactory and everybody, ALL anarchists included, bowed in submission to the dictum of the majority, in spite of the fact that they were never permitted the use of the ballot to express their opinion as to the form of government they were willing

to submit themselves to or even whether they wanted any government at all or not. They tolerated it as a sufficiently satisfactory way of selecting people to "soften the rigor" (as Blackstone puts it) of the hard government their leaders had given them when in a weakened condition as a substitute for the worse one they had rebelled against. McKinley's death was the first assassination by an anarchist in the United States and no attempt at an assassination by an anarchist in the United States ever occurred before the life of the present generation. For more than a hundred and ten years no anarchist ever attempted to assassinate any government official in the United States. Yet within the past six months the attention of the entire nation has been taken up with proposed legislation looking only to protection of government officials from anarchists. Can any one imagine that legislators, be they honest or dishonest, would devote their energies to enacting such legislation did they not have reason to fear that the temper of the people is changing greatly? If such is the case, the most proper and natural question to ask, and issue to face, fairly and squarely without fear is, WHY?

No attempt will be made here to give what IS the reason, nor what are the reasons if there are more than one. But an attempt will be made in this chapter to show what MIGHT BE the reason, or one of them if there are more than one, and how the ballot possibly *could be* subverted into a mere delusion; which alone might account for a desperate and ugly temper in a great proportion of the people if not, indeed, in the great majority. If any one desires to learn of more reasons to account for such desperation, the Hearst newspapers will portray them in abundance.

Suppose we have a state of society in an absolutely normal condition or at least so nearly normal that no one can discern any abnormal or unjust conditions. All are equal, or nearly so, in wealth and standing and all have about

equal opportunities. All differences in opinion are settled by ballot and each ballot is an independent, unselfish expression of opinion. There is no organization of a few organized so as to make the ideas and efforts of a few more effective, by means of their organization and union, than the ideas and efforts of the many. Everybody has ample opportunity to provide for his wants and the people are as happy as people can be.

In this condition of society a happy thought occurs to some few to unite their efforts and co-operate with one another. No one could possibly think of denying them their right to do so. They can produce more wealth with less effort by so doing than otherwise and why should such right be denied them as long as they do not deny others the same right or prevent those others from producing as before? There is no reason. They call themselves a corporation. Owing to their union and co-operation, each one exerting one-half the effort previously made could produce the same amount of wealth as before, notwithstanding the fact that no one going into the corporation has any more accumulated wealth or capital than has each of those who do not go into the corporation. But the people are all industrious, as well those who go into the corporation as those who do not. Each one who goes into the corporation does as much work as before. The members of the corporation produce twice as much wealth as they did before and twice as much as the same number of people who are not members of any corporation, though only doing the same amount of work. They are none of them accustomed to luxuries and extravagant living. The members of the corporation have no occasion to spend more than 75 per cent of the wealth they produce. They save 25 per cent of it (that small part which is not perishable) and still consume, each one, 50 per cent more than another man can produce. They accumulate capital (represented by mills, factories, machinery, etc.) with which they find they can produce even a greater amount of wealth with a still

less expenditure of energy. It was easy to start that corporation. It was a natural thing to do. It was easier for the men who constituted that corporation, and required less expenditure of energy, to produce successfully more wealth than their fellow men than it was for their fellow men not in the corporation to produce the less amount. It was a step in the advancement of the human race. At first, men were dubious as to such a radical undertaking and did not deem it worthy of any consideration. But results spoke for themselves. Men became either jealous or envious (call it ambitious if you please) and wanted to do the same thing themselves. Certainly they had the right to do so (there were no patent or copyright laws to insure the incorporators the sole benefit of their ideas of co-operation) and some others started a corporation of the same kind. But conditions were no longer absolutely normal. Corporation No. 1 was well organized and its members had become accustomed to being looked upon as a superior class. They wanted to be above their fellows. With their vast accumulated capital (mills, factories, machinery, etc.) they could produce more than twice as much with the same expenditure of energy, as the members of corporation No. 2 and four times as much as the members of no corporation at all. They did not want corporation No. 2 to do what they were doing. Why? Because already they had found that they could have individuals not members of any corporation do the work of providing wealth for the corporation and pay those individuals a little more than the individuals could produce by themselves and retain as much or more for themselves, without doing any work, as profit. But could they retain a monopoly of co-operation? They might try. They would, and did, offer to the members of corporation No. 2 more wages than the members of corporation No. 2 could make, even with their co-operation but without accumulated capital, and consequently more than double what individuals not in any corporation could make. Of course the offer was

accepted. But as soon as it began to be known that the individuals who started corporation No. 2 were employed by corporation No. 1 at wages amounting to more than double what individuals could make, of course corporation No. 3 was immediately formed. And corporations Nos. 4 and 5 followed in quick succession. Now, even with its vast accumulation of capital (and machinery) corporation No. 1 could not employ all the incorporators of new corporations at wages amounting to more than they could make by co-operation and they gave up in despair trying to prevent the formation of new corporations by employing the incorporators at wages amounting to more than they could make by such co-operation and confined themselves to employing individuals who did not go into corporations at wages amounting to just a trifle more than they could produce as individuals. Of course corporations Nos. 4 and 5 were successful, though not so much so as corporation No. 1, which had the greatest amount of accumulated capital. But as the members of corporations Nos. 4 and 5 did better than they could possibly have done as individuals, new corporations were formed in such rapid succession that it looked as though every man would soon be in a corporation; which certainly would and should have been the case but something must be done to prevent that or else corporations will not be able to employ any individuals at wages just a trifle in excess of what they could produce as individuals. If corporations can not employ individuals and make them produce for the corporations more wealth than their wages amount to and retain the surplus for the members of the corporations to live upon without work all members of corporations would have to do the work necessary for the production of wealth for themselves, as was the case in the early stage of the career of corporation No. 1. But these members of corporations have become accustomed to looking upon themselves as being too strong to work. Something must be done. And it *must* be something that is not incompatible with the

idea that the members of the corporations are too strong to work. Certainly somebody must work. Therefore the something that must be done must be something that will make it impossible for all to get into corporations. Now an opportunity to get into a corporation is all right. There is nothing wrong about taking advantage of an opportunity to get into a corporation. Consequently there is nothing wrong about allowing the people such opportunities. PROVIDED, of course, that all people's rights are not equal. And, even if all people's rights are equal, there can be nothing wrong about extending those opportunities to the people PROVIDED those opportunities are extended to all alike. But, if those opportunities are extended to all alike, all alike will take advantage of them since the people's earning capacity is, at least, doubled thereby from the start without accumulated capital and continues to multiply by a constantly growing multiplier as the corporation's accumulated capital increases, which capital continues to increase as does the age of the corporation. If all had equal opportunity to go into a corporation and all went into a corporation that corporation would certainly constitute society as a whole—socialism. But that would be incompatible with the idea that some are too strong to work. Therefore some means **MUST** be found which will prevent all people from going into corporations. But what is a corporation? It is a body of individuals combining for co-operation. Why not combine all the existing corporations, or at least the principal ones, as so many individuals into a grand corporation (trust) and thereby multiply the producing capacity of a given amount of labor as the producing capacity of a given amount of labor was multiplied by the formation of the first corporation? This would still preserve the idea that some are too strong to work and all of those in the trust would be the ones to be too strong. It would have the additional advantage of enabling the grand corporation, by combining the capital of all the individual

corporations under one management, to employ all individuals disposed to go into any new corporation at wages just a trifle in excess of the amount that such individuals could produce by their co-operation in a new corporation without accumulated capital and thus prevent the formation of new corporations and maintain the supply of individuals to work for the old ones. We saw that this very thing succeeded when corporation No. 2 was formed and failed when corporations Nos. 3, 4 and 5 were formed. Why did it fail then? For but one reason. Corporation No. 1 had not yet accumulated a sufficient amount of capital (in mills, factories, machinery, etc.) to put to work all those disposed to go into corporations at wages a trifle in excess of what they could produce by their co-operation without capital. It is different now with the grand corporation. Their capital is unlimited. Their power is almighty. They may have to pay for awhile wages amounting to a trifle in excess of what their employees could produce as individuals and even for a time what their employees could produce by co-operation without capital. But they even tire of this and cease to do it. Some then cease to work for the grand corporation and undertake to start a corporation of their own. The grand corporation denies them the right and in a thousand ways that no one who has ever tried it needs to have explained to him makes it impossible for the new corporation to "do business"; that is, produce wealth. And those who undertook to produce wealth by co-operation in the new corporation were simply compelled to go to work again for the grand corporation and this time for wages such as the grand corporation saw fit to pay.

But what has this to do with elections?

The people during all of this period of transition from a state of equality, happiness and contentment to a state of society composed wholly of castes have gradually, slowly at first, but more and more rapidly as the dividing line between castes became more pronounced, engendered op-

position to corporations in general and ESPECIALLY to grand corporations in particular.

And they had the ballot all the time!

Now if the people as a whole, or as a people, were almost a unit in their opposition to these grand corporations and they developed to such an extent that practically the entire community was composed of the members of those corporations who lived without work and the employees who lived without wealth except what little the grand corporations in their charity (not an over-abundant one) saw fit to bestow upon them as a reward for faithful service, and this all occurred notwithstanding the people had the ballot all the time, it is only reasonable to suspect that there must have been some hitch somewhere in that ballot and it became the painful duty (a duty which could not be shirked) to do some thing or rather some things.

First, it was necessary to investigate that ballot and see if it was just what the grand corporations represented it to be—see if there was any hitch.

Second, it was necessary to find out how many hitches there were and where.

Third, it was necessary to remedy those hitches if possible and

FOURTH, if those hitches could not be remedied by the people—well, we'll leave that to the people.

First, the work of investigating that ballot and finding out if it was what the grand corporations represented it to be was easy. At the first tap of the hammer it sounded hollow.

Second, the work of investigation became difficult. Many hitches or defects were found on the surface and those were easily remedied. But as fast as they were remedied more defects were discovered—and faster. At last it became so common to find new defects that the announcement of a new discovery of a great defect scarcely occasioned so much as a comment. The old ballot system seemed to be rotten in the core.

Third, it became the regular recreation of a large percentage of the people to remedy hitches simply for amusement as fast as they had the inclination so to do, taking them in the inverse order of their importance.

#### FOURTH, left to the people.

The attempt to show what MIGHT BE the reason for the great change in the temper of the people is deemed to have gone far enough and it only remains now to attempt to show how the ballot possibly could be subverted into a mere delusion which would account for the contempt with which it is looked upon generally by anarchists and partisans of the archives alike, politicians alone excepted.

Suppose again the first ideal state of society already mentioned in this chapter and the subsequent development just outlined of corporations, grand corporations and trusts, with the concurrent development of opposition to such corporations. The few members of those corporations, or stockholders, who are too strong to work realize the opposition of the people towards those corporations and fear the people may by means of their ballot by an overwhelming vote stop the growth, or even the existence, of that system in which at first there was no apparent or considerable injustice but which has developed into a systemized, well concerted scheme of slavery in disguise. They realize that if they are to retain their position as a superior and ruling class—an upper caste—they must prevent the natural exercise of that power represented in the ballot. They constitute about the tenth part of one per cent of the population. Something must be done to make the voice of that one-tenth part of one per cent of the people at least equal to the voice of the other ninety-nine and nine-tenths per cent of the people. They cannot vote a thousand times while others are voting once, merely because they own a thousand times as much wealth, man for man, because the possession of the ballot means that every man has equal possession of the ballot; has an equal number of votes. At one stage

of the development they were a sufficiently large proportion of the people so that their votes combined with the votes of those who could be coerced into voting for them were sufficient to counter-balance those who voted intelligently against them. Those who voted unintelligently were disregarded as they were about equally divided on matters of no consequence for which reason their votes were absolutely devoid of effect. But as the conditions became more acute, the unintelligent votes became less in proportion. Coercion of a sufficiently large number to swing the balance of power became correspondingly more difficult and expensive and was engendering an ugly temper that could not be ignored. Certainly it could not be extended to keep pace with the growing acuteness of the abnormal and unjust conditions. Something must be done to, in large part, take the place of coercion. If necessary, the corporations and grand corporations can support one per cent of the people for the sole purpose of keeping the other ninety-nine per cent from using their ballot to any purpose as against the corporations and grand corporations.

Can one per cent of the people prevent ninety-nine per cent of the people from accomplishing their purpose by means of the ballot?

That is a question that should certainly be properly determined, for if such should be found to be the case the ballot is then no longer to be relied on, but merely a tool in the hands of the small minority to enable them to enslave the great majority. And IF SUCH IS FOUND TO BE THE CASE the great majority are *then* simply binding upon themselves and their children, the shackles of slavery when they bow in submission to the result of the ballot. They certainly could not do so in the ideal state of society mentioned in this chapter as the starting point nor could they under an anarchistic, socialistic or any other NORMAL state of society, any more than one hundred men could defeat one thousand men in a battle under

conditions which, except as to numbers, are equally burdensome or advantageous to both sides. But we know that under some conditions one hundred men (small men, too, at that) can easily defeat a thousand giants, and that even when they are equally well armed. We know that a company of one hundred well-drilled soldiers under the command of a captain (one mind) can easily defeat in open battle an unorganized mob of one thousand of the most perfectly developed specimens of mankind the world ever produced. Could it be possible that the grand corporations could organize and discipline an army of well-drilled politicians composed of but one per cent of the people which, by means of its organization and machine-like work, could defeat for pay, OR OTHER GAIN IN LIEU THEREOF, the other ninety-nine per cent of the people when the whole one hundred per cent are armed with the ballot? In the fight of the one company of one hundred well-drilled soldiers against the unorganized mob of one thousand perfect specimens of manhood the one company would in all probability be victorious if both sides were alike armed with muskets and bayonets only, without ammunition, but imagine how easy it would be if the one company were armed with ammunition also, but the unorganized mob of one thousand had no powder. In such case the entire one thousand men MIGHT BE at the absolute mercy of just one little squad of ten soldiers under the command of a corporal—assuming the little squad of ten soldiers had plenty of ammunition. Could it be possible that a well-disciplined army of trained politicians might have some ammunition, too, in addition to the ballot?

These are only questions, not assertions. The answers are left for the people to find for themselves.

Now, let us take one little glimpse of a present day political ballot campaign.

This little book has already extended to a far greater length than was originally intended, and consequently the whole political field can not be surveyed, but an example

can be taken from a municipal campaign, as that is simpler and more familiar to the people than one of a greater extent. State and national campaigns are practically of the same character.

The time for a municipal election approaches. One per cent of the people (merely continuing with the supposition), who appreciate that the grand corporations will help those who help them, are well organized in a clique of politicians, whose aim is to help the grand corporations. Say there are a hundred thousand men citizens of San Francisco. One thousand, or one per cent, of them are in the San Francisco regiment of the grand corporations' political army. The first battalion is in the Republican party, the second battalion in the Democratic party and the third battalion doing stunts or making feints to deceive the enemy. The colonel commanding the regiment calls his lieutenant colonel and majors together, and they discuss the plans of the first battle to be waged at the primaries against the UNORGANIZED mob of ninety-nine per cent of the people, or citizens, who can vote. The commanding general has transmitted to the colonel sealed orders naming John Doe and Richard Roe as two confidential agents in whom the grand corporations have implicit confidence. There is also a list of a number of others in whom the grand corporations have great confidence. It is settled that John Doe shall be elected as Republican mayor or Richard Roe as Democratic mayor—preferably either. The major of the first battalion calls his captains together and they discuss plans for the election of John Doe as mayor. The major of the second battalion does likewise for Richard Roe. The major of the third battalion calls his captains together and THEY discuss plans for attracting the attention of the enemy by a grand-stand play by any one of half-a-dozen different maneuvers—such as a good government club, a non-partisan ticket composed of the “best” candidates selected from the Republican and Democratic parties; a quasi endorsement of some radical

party on a self-evident absurdity, so as to build up a **man** of straw to be annihilated in the coming sham battle; a half-hearted endorsement and empty promise of support for some sound sense radical party; or a conglomeration of all these and others. Companies A, B and C are in the first battalion. The captain of Company A calls his lieutenants together and they get up a "ticket," to be voted for at the primaries as delegates to the Republican municipal convention. This ticket, together with a glowing recital of the immaculate virtue of every person whose name appears thereon and every person for whom they will vote to nominate, is mailed, perhaps two or three times over, to every voter. Of course a good many of the ninety-nine per cent will vote for those proposed delegates whose names are on this ticket, but not a single soldier of the San Francisco regiment of the grand corporation's army of politicians will vote for a single one of them. The captain of Company B does likewise, but not a single soldier will vote for any one of B company's ticket of proposed delegates to the Republican municipal convention. The captain of C company does likewise, and not only does every soldier of the first battalion vote for the C company's ticket of delegates to the municipal convention, but in addition to voting each soldier in the whole regiment works on every Republican to get him to vote for C company's ticket. And he WORKS. That's his business. He is not an amateur politician nor a mere citizen casting a ballot as an honest and unselfish expression of HIS OWN opinion. Soldiers are not supposed to have opinions. They accept, like machines, without thought or question, the directions given them. Companies D, E and F belong to the second battalion, and they do the same for the Democratic party that the first battalion did for the Republican party. There is no such thing as describing all the stunts or feints of the third battalion. They are guerrillos, scouts, spies, etc. They act as occasion demands. The ninety-nine per cent of the people are unorganized and

consequently there is no unity of choice with them as to delegates for either the Republican or the Democratic convention. They go to the primaries. Nothing reprehensible about that. The San Francisco regiment is all disguised as common citizens and those of the ninety-nine per cent who go to the primaries do not know that there is a San Francisco regiment which will elect certain delegates to both conventions, having named all the tickets for which there is any organized or united effort made, regardless of how many of the ninety-nine per cent go to the primaries. Whoever votes for any ticket that has been mailed to him votes for delegates named by the San Francisco regiment's officers. Whoever votes for any other delegates votes alone, and there is no harm done. The officers of the San Francisco regiment didn't name their tickets at random. They selected their men. And whichever delegates named on any of those tickets go to the convention, they "nominate" John Doe in the Republican convention and Richard Roe in the Democratic convention, because it was solely for that purpose they were named on those tickets. The first battalion, under the banners of John Doe, and the second battalion, under the banners of Richard Roe, are now ready to go into the grand and royal sham battle with all due solemnity. After the sham battle is over the whole hundred per cent is given the opportunity to vote—for what? Why, to say which one of the grand corporations' two confidential men shall be confidential man. Of course, John Doe and Richard Roe are given to understand that they must have some slight difference of opinion on some trifling matter of no consequence—to the corporations—to encourage the ninety-nine per cent to take some interest in the battle. Or one or both of them portray the terrors of domination by the grand corporations which shall surely continue in case the other is elected.

Now, then, what must be done to change the situation in this condition after it becomes pretty well known how it is

carried on? You say, off-hand, organize. The third battalion says to you organize. The third battalion will help you. They've been doing that ever since the San Francisco regiment has been under the command of the commanding general. They go farther. They start a new organization as often as they think there is any use in it. And they tell all of the ninety-nine per cent that the object of that organization is to fight the whole grand corporations' army, or, at least, the San Francisco regiment. The new organization is always on the same foundation as the old army, and some officer of the third battalion is to be commanding officer of the new regiment. This has been done so often that it is taken for granted that every time it is proposed to form a new regiment to fight the old one that it is simply the third battalion of the old regiment doing a stunt or making a feint. But if, perchance, any of the ninety-nine per cent do start the formation of a new regiment, before it is half started the whole political army of the grand corporations mobilize at once for a united attack. When their army was organized they had no army to fight. It was easy. There is a well-organized army now to fight. The organization of a new one is no child's play. If it is attempted to organize it quietly so as to escape attack until it has sufficient strength with which to meet such attack, the mere consultation of a few organizers is immediately discovered by the secret agents of the third battalion and proclaimed as sedition, treason or "conspiracy" to overthrow the "government." If Mr. Mexican Dan Burns, Mr. Southern Pacific Herrin and Mr. Sugar Lord Spreckels (more properly known as the son of his dad) meet together in private conference to arrange the details of a sham battle between two battalions of the San Francisco regiment of the grand corporations' political army it is only a political conference. If three or more insignificant and harmless anarchists, who are heirs to no corporation stock, meet together and discuss economics and social problems, it is at least suspicious of "conspiracy," and will bear

plenty of "shadowing" by men who get paid to do that kind of work and not think. No man can afford to join them who is afraid to be hounded and "shadowed" and have the whole "push" hold him up to his fellow men as an enemy of society and everything that is vile. True, there are some men who know no fear and defy all power on earth when they clearly see their duty. And as conditions grow more acute and more men become desperate, the number of the men who know no fear increases. All men trust that before that number increases greatly confidence may properly be re-established in the ballot.

Let the people vote on the issues of the day, for or against government of a specified kind, without any sham battles, and there will be, and can be, no desperate men, anarchists or partisans of the archives, who could possibly prefer the bullet, (and death for themselves) to the ballot.

Let the people have a vote on anarchy, a free ballot without coercion and sham battles, and they'll have an anarchistic administration under an anarchistic constitution before our little tots are old enough to vote on it—or bow in peaceful submission (without bullets) to the will of the majority, as the people of the United States well and truly learned how to do long before the birth of the oldest man on earth.

Give the people a chance to vote on whether or not to do away with the old social compact and substitute therefor a better one, and they will demand it as vociferously as you, the reader, would clamor for a new pair of pants in place of ragged patches.

THE END.

P. S.—The author will be happy to communicate with all who will ask any questions regarding the subject of this book.



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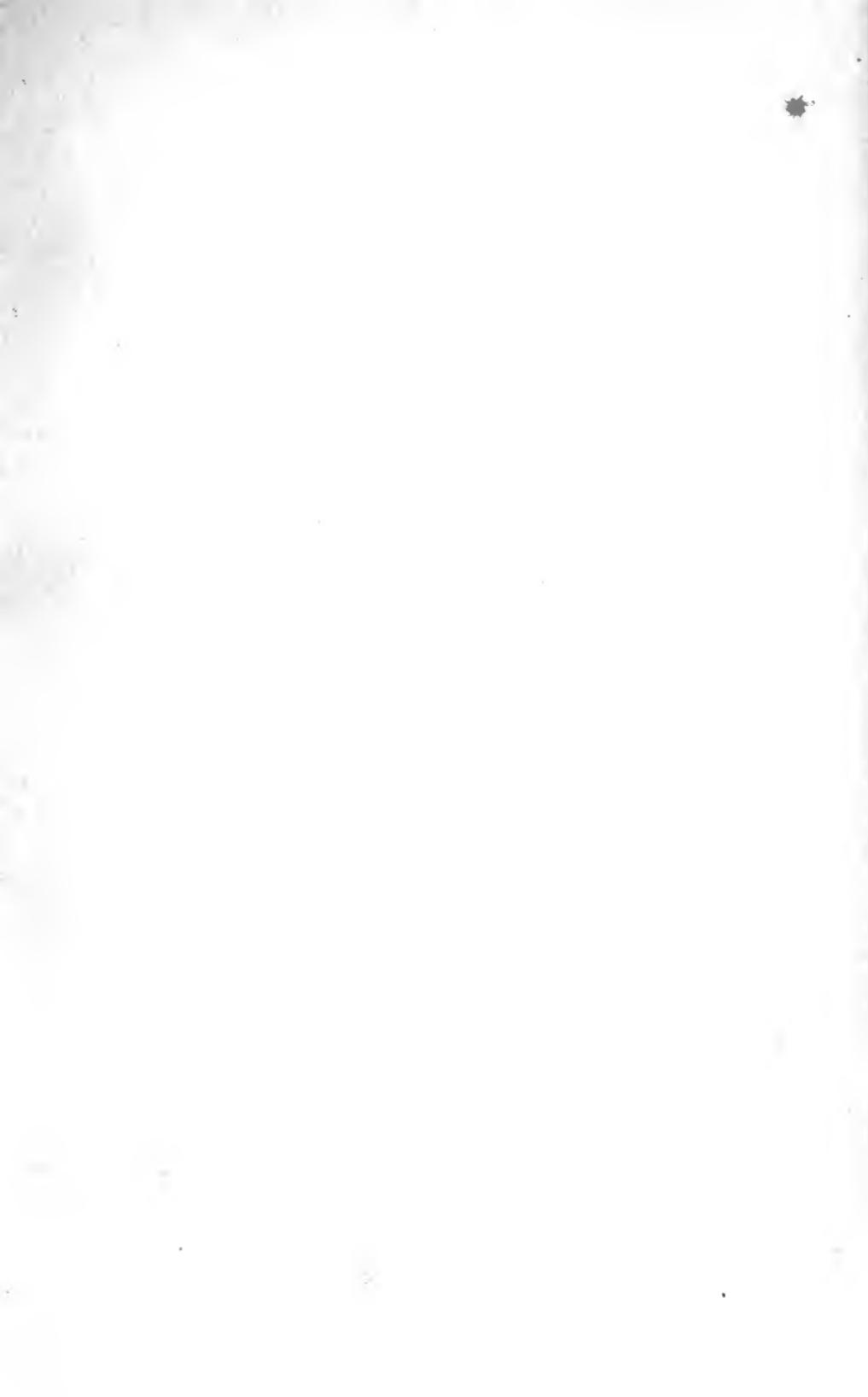
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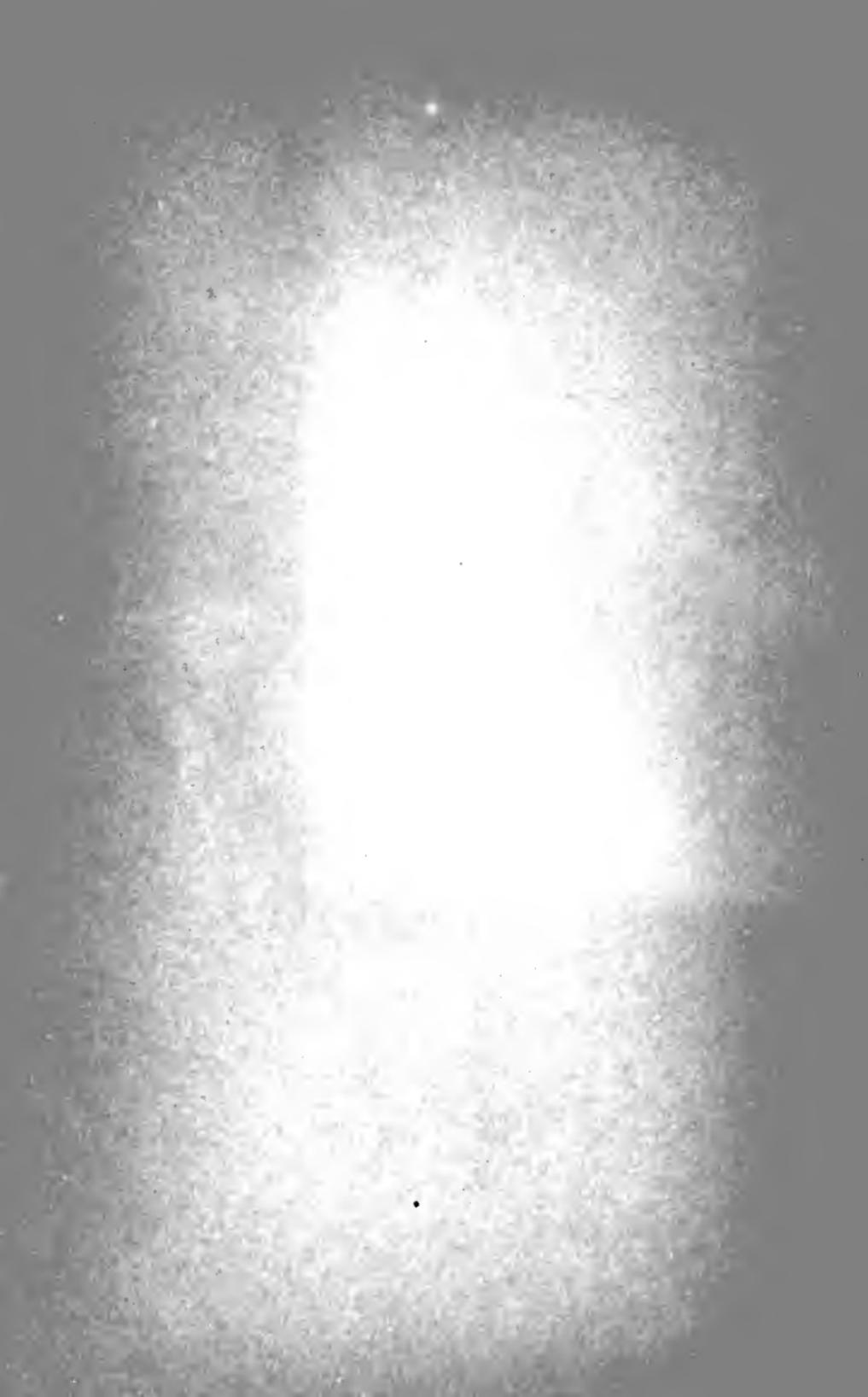














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